

Coll.
DUP.

NORTH AMERICA.

No. 13. (1864.)

CORRESPONDENCE

RESPECTING THE

REMOVAL OF BRITISH CONSULS

FROM THE

SO-STYLED CONFEDERATE STATES OF

AMERICA.

*Presented to the House of Lords by Command of Her Majesty, in pursuance of their
Address dated April 5, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

135201

LIST OF PAPERS.

No.		Page
1.	Consul Moore to Earl Russell June 9, 1863	1
	Four Inclosures.	
2.	Lord Lyons to Earl Russell June 16, —	3
	Five Inclosures.	
3.	Acting Consul Cridland to Earl Russell June 15, —	8
	Four Inclosures.	
4.	Earl Russell to Acting Consul Cridland September 8, —	10
5.	Mr. Stuart to Earl Russell August 29, —	10
	Ten Inclosures.	
6.	Lord Lyons to Earl Russell October 16, —	13
	One Inclosure.	
7.	Lord Lyons to Earl Russell October 23, —	17
	One Inclosure.	
8.	Acting Consul Walker to Earl Russell October 15, —	19
	Three Inclosures.	
9.	Acting Consul Walker to Earl Russell October 9, —	21
	Two Inclosures.	
10.	Acting Consul Fullarton to Earl Russell.. .. . October 17, —	33
	Four Inclosures.	
11.	Lord Lyons to Earl Russell November 20, —	37
12.	Acting Consul Fullarton to Earl Russell.. .. . October 22, —	38
	One Inclosure.	

for—

‘Copies or Extracts of any Correspondence that may have taken place between Her Majesty’s Government and the Government of the so-styled Confederate States of North America, relating to the Removal of British Consuls from those States, or the Cessation of the Functions of the Consuls, or any of them, therein ; and of the Correspondence with the Consuls thereupon :

“ Also, Copies or Extracts of all Correspondence with any Agents of the so-styled Confederate Government in this Country up to this Date, in continuance of that already before the House.”

No. 1.

Consul Moore to Earl Russell.—(Received June 28.)

(Extract.)

Richmond, June 9, 1863.

I HAVE the honour to inclose herewith the copy of a despatch and inclosures written by me to Lord Lyons, dated the 6th instant, from which your Lordship will gather that this Government has annulled my exequatur.

Inclosure 1 in No. 1.

Consul Moore to Lord Lyons.

(Extract.)

Richmond, June 6, 1863.

I HAVE the honour to inclose to your Lordship the copy of a letter addressed to me by Mr. Benjamin, Secretary of State, under yesterday’s date, together with Letters-Patent (copy also inclosed) in the name of the President, Mr. Jefferson Davis, revoking my exequatur as Her Majesty’s Consul for the State of Virginia, for the reason therein assigned, that I had corresponded with the Secretary of War here, on matters beyond my Consular jurisdiction, after receiving an intimation from the Secretary of State not to do so.

I am very happy to state that my last crowning Consular act was consummated yesterday morning before I received this ungenerous withdrawal of my exequatur, by which measure I have checked the attempted conscription of British subjects, under various pretexts, namely, for having voted, for having declared their intention of becoming citizens, for holding real estate, and for having married in the country, so that numerous British subjects got their release from captivity in a military camp yesterday, and it will stay I trust for a time this source of anxiety to them.

If I am to leave Richmond it will be absolutely necessary that this Government should allow the unshackled departure of all British subjects ; and if military exigencies should be pleaded as an excuse for objecting to allow them to cross their military lines, I beg to suggest whether means could not be resorted to to have steamers sent to City Point, on the James River, for their conveyance to Baltimore or New York. There are numerous British workmen in the different Government workshops who are very anxious to leave, at their own expense, but they are refused passports.

P.S.—I also inclose copy of my answer to Mr. Benjamin.

Inclosure 2 in No. 1.

Mr. Benjamin to Consul Moore.

Sir,

Department of State, Richmond, June 5, 1863.

THE President of the Confederate States has been informed that in consequence of your assuming to act in behalf of the Government of Her Britannic Majesty on matters occurring in the State of Mississippi, you were requested to submit to this Department your Consular Commission, as well as any other authority held by you to act in behalf of Her Majesty's Government, before further correspondence could be held with you as British Consul for the port of Richmond. He has further been informed that you have not acceded to this request, and that in disregard of the legitimate authority of this Government you have again lately corresponded as Her Majesty's Consul for this port with the Secretary of War of the Confederate States. The President considers it as inconsistent with the respect which it is his office to enforce towards this Government, that you should any longer be permitted to exercise the functions or enjoy the privileges of a Consul in these Confederate States. He has consequently thought proper by the Letters-Patent of which I inclose you a copy to revoke the exequatur heretofore granted to you, and to make public these Letters-Patent.

I have, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Inclosure 3 in No. 1.

Letters-Patent revoking Exequatur of George Moore, Her Britannic Majesty's Consul at Richmond.

Jefferson Davis, President of the Confederate States of America,

To all whom it may concern.

WHEREAS, George Moore, Esquire, Her Britannic Majesty's Consul for the port of Richmond and State of Virginia (duly recognized as such by the exequatur issued by a former Government, which was at the time of the issue the duly authorized agent for that purpose of the State of Virginia), did recently assume to act as Consul for a place other than the city of Richmond, and a State other than the State of Virginia, and was, thereupon, on the 20th day of February last, 1863, requested by the Secretary of State to submit to the Department of State his Consular Commission, as well as any other authority he may have received to act in behalf of the Government of Her Britannic Majesty, before further correspondence could be held with him as Her Majesty's Consul at the port of Richmond, and whereas the said George Moore has lately, without acceding to said request, entered into correspondence as Her Majesty's Consul with the Secretary of War of these Confederate States, thereby disregarding the legitimate authority of this Government.

These, therefore, are to declare that I do no longer recognize the said George Moore as Her Britannic Majesty's Consul in any part of these Confederate States, nor permit him to exercise or enjoy any of the functions, powers, or privileges allowed to the Consuls of Great Britain. And I do wholly revoke and annul any exequatur heretofore given to the said George Moore by the Government which was formerly authorized to grant such exequatur as agent of the State of Virginia, and do declare the said exequatur to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent, and the seal of the Confederate State of America to be hereunto affixed.

Given under my hand this fifth day of June, in the year of our Lord one thousand eight hundred and sixty three.

(Signed) JEFFERSON DAVIS.

By the President,

(Signed)

J. P. BENJAMIN, *Secretary of State.*

Inclosure 4 in No. 1.

Consul Moore to Mr. Benjamin.

Sir,

Richmond, June 6, 1863.

I HAVE the honour to acknowledge your communication of yesterday's date, transmitting to me the Letters-Patent of the President, revoking my exequatur as Her Britannic Majesty's Consul for the State of Virginia.

Without commenting upon this act, I simply acknowledge its reception, which I will communicate to my Government by the first opportunity.

I have, &c.
(Signed) GEO. MOORE.

No. 2.

Lord Lyons to Earl Russell.—(Received June 28.)

(Extract.)

Washington, June 16, 1863.

MR. MOORE arrived here yesterday, and delivered to me a despatch dated the 6th instant, reporting that his exequatur had been withdrawn by Mr. Davis, which he had intended to forward to me by a messenger if the Confederate authorities had allowed him to send one. A copy of it goes to your Lordship to-day inclosed in a despatch which Mr. Moore addressed to you on the 9th instant, and which he brought here with him.

I do myself the honour to transmit to your Lordship copies of the following papers which have been delivered to me by Mr. Moore:—

1. Despatch from Mr. Moore to me reporting arrangements made by him for the protection of British subjects ;

2. Despatch from Mr. Moore to me informing me of the intention of Mr. Acting Consul Walker with regard to the objections raised in his case by Mr. Benjamin, inclosing a copy of the despatch to your Lordship No. 23 above mentioned, and asking my leave to quit Richmond ;

3. Despatch from Mr. Moore to me explaining his reasons for leaving Richmond without waiting for an answer from me, and expressing his wish to go on immediately to England ;

4. Letter from the Confederate Adjutant-General to the Commandant of Conscripts at Macon, Georgia, containing instructions respecting the liability of foreigners to conscription ;

5. Letter from Mr. Benjamin to the French Consul at Richmond, informing him that the President of the Confederate States has determined to permit no direct communication between Consuls in those States and the functionaries of their Governments residing within the " enemy's lines ;"

6. An extract from the Richmond newspaper " Sentinel," containing a copy of a despatch from Mr. Benjamin to Mr. Mason, stating the reasons for the withdrawal of Mr. Moore's exequatur, and for forbidding direct communication between Consuls in the Confederate States and the Legations in the United States. Mr. Mason is instructed to communicate this despatch to your Lordship.

I do not purpose to make any endeavour to alter the arrangements which Mr. Moore has made for the protection of British subjects. M. Mercier hastened to assure me that he should be happy to instruct M. Paul, the French Consul at Richmond (who happens to be at this moment at Washington) to take charge of the British Consulate on his return to his post. I have not, however, thought it advisable to accept this offer. It is doubtful whether the Confederate authorities would recognize such an arrangement. Indeed, the fact—of which they could not be kept in ignorance—that it had been made by the British and French Ministers at Washington would no doubt induce them to object to it ; and at all events they would not, it is to be presumed, allow M. Paul to interfere in any matters not pertaining to the precise district to which the jurisdiction of the Consulate of which he was in charge extended. Mr. Moore is himself confident that the arrangement he has made will be in practice much more advantageous to British subjects than placing them under the protection of any foreign Consul. I think it therefore better that this matter shall remain as Mr. Moore has left it, until your Lordship issues orders concerning it.

It is plain that Mr. Moore's returning to Richmond would be of no service whatever to British interests; I have therefore told him that I see no objection to his going to England as he wishes. He intends to embark in a few days.

I think that so far as this Legation is concerned, it would be an advantage that its connection with the Consular Officers in territory held by the Confederates should be dissolved. The communication is so slow and uncertain that intelligence seldom reaches me from those officers in time to be of any value. For the same reason they cannot obtain special instructions from me in any sudden contingency, while general instructions to them would be sent with much greater advantage from the Foreign Office than from this Legation. The communications between the Consuls in the South and the Legation have always tended to give rise to suspicion in the United States; they have now been denounced as offensive by the Confederate authorities. Your Lordship will observe that notwithstanding my repeated instructions to the Consuls never to allude to me or to the Legation in their communications with those authorities, and notwithstanding the care which has been taken at your Lordship's office to address instructions to the Consuls directly instead of desiring me to transmit them, Mr. Benjamin in his despatch to Mr. Mason dwells on the connexion between the Consuls and this Legation as the main reason for the measures which Mr. Davis has adopted.

There was one great advantage in the existing arrangement which can hardly be said to exist any longer. We had for some time Consuls at the Southern ports recognized as such by both belligerents, and this was convenient in cases in which ports in the South were attacked by the Federals. I have not heard of any objection having been made by the Confederates to Mr. Fullarton as Acting Consul at Savannah, but the recognition by them of Mr. Walker as Acting Consul at Charleston and of Mr. Cridland as Acting Consul at Mobile appears to be very doubtful; and even supposing all these Acting Consuls to be recognized, the Confederate authorities will still refuse to allow them to interfere in behalf of British subjects beyond the exact limits to which the jurisdiction of the respective Consulates extends, and this will leave the greater part of the British subjects in the Confederate States without protection.

Inclosure 1 in No. 2.

Consul Moore to Lord Lyons.

My Lord,

Richmond, June 9, 1863.

I HAVE the honour to state that as the exigencies of the public service here are such that they cannot be abruptly broken off without the most serious detriment to British subjects resident in the Southern States, I have deemed it expedient without loss of time to adopt the following measure for the protection of Her Majesty's subjects. I have issued the following notice in the local newspapers, namely:—

“NOTICE TO BRITISH SUBJECTS.—British subjects requiring professional advice connected with questions of their nationality are recommended by Mr. George Moore, late Her Britannic Majesty's Consul for the State of Virginia, to apply to Mr. G. A. Myers, Attorney-at-law, on 12th, between Capitol and Broad Streets, Richmond.”

Mr. Myers is a very competent person, to whom British interests can be most implicitly confided, and I have no hesitation in assuming any degree of responsibility in recommending this gentleman as the keeper of the archives of this Consulate, and custodian of British interests, until ulterior arrangements can be determined upon. Mr. Myers stands high in the estimation of every Member of the Administration here, and he is one of the most prominent and respectable citizens of Richmond. The assistance which he has rendered to this Consulate is such that I believe the business of this office could never have been conducted with satisfactory result without his friendly and gratuitous aid, which Mr. Cridland, I know, proposes to represent to Her Majesty's Government.

Under the circumstances I trust that the present arrangement and my prospective suggestion will meet with your Lordship's concurrence.

I have, &c.
(Signed) GEO. MOORE.

Inclosure 2 in No. 2.

Consul Moore to Lord Lyons.

My Lord,

Washington, June 16, 1863.

SINCE I had the honour of addressing your Lordship from Richmond, I have orally explained the reasons which induced me to appear before you personally without awaiting your Lordship's instructions, in consequence of the unexpected order issued by Mr. Benjamin, the Secretary of State of the so-styled Confederate States, prohibiting all further direct communications "between the Consuls of neutral nations in the Confederacy and the functionaries of those nations residing in the North."

Therefore as my exequatur as Consul for the State of Virginia has been annulled, I propose (if it should meet with your Lordship's concurrence) to proceed forthwith to England, and report myself to Earl Russell.

I also have the honour of inclosing herewith the copy of a communication dated Confederate States of America, Bureau of Conscription, Richmond, Virginia, May 22, 1863, addressed to the Commandant of Conscripts, Macon, Georgia, on the subject of persons who are not held as liable to conscription.

I have, &c.
(Signed) GEO. MOORE.

Inclosure 3 in No. 2.

Colonel Lay to the Commandant of Conscripts, Macon, Georgia.

Sir,

Bureau of Conscription, Richmond, Va., May 22, 1863.

THE letter of Colonel Weems of the 24th March ultimo, to Lieutenant S. J. Perry, has been forwarded to this bureau. The opinion expressed by him that "foreigners who have purchased real estate thereby declare their domicil in the Confederate States, and are subject to conscription, notwithstanding the protection given them in their Consulate papers," is not concurred in by this bureau and cannot be sustained upon principle and authority; nor is it in conformity with the rules laid down, General Order No. 82 of 1863. That order does not prescribe any new rule in relation to domicil. It merely declares what is well settled and familiar law upon the subject. It mentions that "the declarations of the party, the exercise of the rights of citizenship, marriage, and the acquisition of real estate, are the principal evidences of intention to remain;" but it nowhere declares that either one of these is conclusive of the fact. Yet such is your decision. A party may have made declarations upon the subject so at variance with his acts and with the circumstance attending his residence as to require the declarations to be disregarded or respected. So marriage of itself, unless there be other proof of residence and intention to remain and abandon the former domicil, is not sufficient. Instances are not wanting of Diplomatic Agents intermarrying with the women of the country to which they have been accredited, and continuing for years afterwards in the discharge of their official duties. No one ever supposed that by such an act the Ambassador or other Diplomatic Agent renounced either his domicil or nationality. A foreigner may exercise the highest act of citizenship, the right of suffrage, without changing his domicil or losing his original citizenship. If the act be done either in ignorance or fraud of the law his status is not thereby changed. And so he may acquire and purchase real estate. In some of the States laws have been passed in pursuance of Treaty stipulations which enable foreigners to purchase, hold, transmit and inherit real estate. In most of the States a foreigner cannot hold real estate without making a declaration of his intention to become a citizen. In such States a foreigner may purchase real estate without making the required oath or declaration. The property may be liable to escheat, and upon proper proceedings had he may lose his property, but he cannot thereby be deprived of his national character, or lose his right as a citizen of a foreign country. Again, a foreigner might in ignorance of the law forbidding him to hold real estate become a purchaser of it; in such a case it could not with propriety be said, that he intended by the act of purchase to change his domicil. The fact of such a purchase is reconcileable with the most decided purpose not to change his domicil. A man is presumed to hold his domicil of nativity until another is obtained, and to constitute this change the fact and intention must concur. It is extremely difficult, if not impossible, to prescribe the circumstances which shall in every case be taken as satisfactory proof of intention to change the domicil.

But whatever the character of the evidence may be it must be such as to satisfy the

mind fairly and reasonably that the party has not only changed his domicil in point of fact, but that he so intended.

Brigadier-General Rains, Superintendent of Conscription, has directed me to issue the foregoing instructions for your information and guidance.

Very respectfully, &c.

(Signed) G. W. LAY.

Inclosure 4 in No. 2.

Mr. Benjamin to M. Paul.

Sir,

Department of State, Richmond, June 10, 1863.

IT becomes my duty to inform you that the President has determined to permit no direct communication between Consuls and Consular Agents of foreign countries residing within the Confederacy and the functionaries of such foreign Governments, residing in the enemy's lines. The passage in future of Consular couriers, messengers, or of Consuls or of Consular Agents themselves, through the Confederate lines to the enemy, is accordingly prohibited, and foreign officials will be allowed to communicate with their Governments only directly or through neutral countries.

I am, &c.

(Signed) J. P. BENJAMIN.

Inclosure 5 in No. 2.

Extract from the "Richmond Sentinel" of June 12, 1863.

DESPATCH TO MR. MASON.—We publish, by official consent, the following despatch of the Secretary of State of the Confederate States to Mr. Mason, our Commissioner to England.

It makes known the causes of the late revocation of the exequatur of the British Consul at this port, and in doing so takes occasion to explain the general grounds of the President's action, and the views which govern the policy which he is firmly and steadily pursuing.

It will be seen that the Confederate Government is held by the President to be the agent of the States for certain purposes; that it is the successor of a similar agent whose acts while its authority existed were valid; and that succeeding to the trust, the Confederate authorities are bound to respect all constitutional acts performed by the former agent with the consent of the State concerned. Hence, argues the Secretary, "when Virginia seceded, withdrew the powers delegated to the Government of the United States, and conferred them on this Government, the exequatur granted to Consul Moore was not thereby invalidated." Being the act of Virginia, through her agent, in the first instance, it remained her act though her agent had been changed.

This is manifestly the true State Rights doctrine. It would be monstrous if when a State selects a new agent to attend thenceforth to certain interests this new servant should begin by treating as null and void whatever she might have done through her former one. This would be to assume that the sovereign authority lies in the temporary agent rather than in the abiding State. The view of the President will commend itself to the hearty approbation of the people, who will see in it another proof of the scrupulous respect which he pays to the rights of the States and the established principles of our Government.

The letter to Mr. Mason shows also that the President has acted in good faith on his opinion as to the validity of existing exequaturs. He has not sought difficulties with the Consuls or revoked their exequaturs with any idle and mistaken view of extorting recognition from European Powers. He has conceded to foreigners all their international rights, and has cultivated the spirit of amity with other nations so far as consistent with our own honour and dignity. England is no exception to this remark.

We are fully persuaded that the foreign policy of the President, as exhibited in the letter to Mr. Mason, will receive the warm approval and support of the Confederate people. Some there may be who would prefer rash and violent counsels, but the great mass of our citizens will approve the steady course which, unmoved by thoughtless clamour, the President has pursued. They will be discerning enough to see that it is much better and far more creditable to us for our international affairs thus to be

conducted with dignity and in decent temper, and that it would but expose us to ridicule to dismiss a few foreign Consuls from our beleaguered ports, and withdraw the Agents whom for our own interest and convenience we have sent to Europe, in the childish expectation that we should thereby intimidate and coerce Europe to recognize our independence. The day for such fancies has past. What the great need for our cotton cannot do for us, the dismissal of a few petty Consuls will hardly accomplish.

Sir,

Department of State, Richmond, June 6, 1863.

HEREWITH you will receive copies of the following papers :—

(A.) Letter of George Moore, Esq., Her Britannic Majesty's Consul in Richmond, to this Department, dated 16th February, 1863.

(B.) Letter from the Secretary of State to Consul Moore, 20th February, 1863.

(C.) Letters-Patent by the President, revoking the exequatur of Consul Moore, 5th June, 1863.

(D.) Letter inclosing to Consul Moore a copy of the Letters-Patent revoking his exequatur.

It is deemed proper to inform you that this action of the President was influenced in no small degree by the communication to him of an unofficial letter of Consul Moore, to which I shall presently refer.

It appears that two persons named Molony and Farrell, who were enrolled as conscripts in our service, claimed exemption on the ground that they were British subjects, and Consul Moore, in order to avoid the difficulty which prevented his corresponding with this Department, as set forth in the paper (B), addressed himself directly to the Secretary of War, who was ignorant of the request made by this Department for the production of the Consul's commission. The Secretary of War ordered an investigation of the facts, when it became apparent that the two men had exercised the right of suffrage in this State, thus debarring themselves of all pretext for denying their citizenship; that both had resided here for eight years, and had settled on and were cultivating farms owned by themselves. You will find annexed the Report of Lieutenant-Colonel Edgar, marked (E), and it is difficult to conceive a case presenting stronger proofs of the renunciation of native allegiance, and of the acquisition of *de facto* citizenship, than are found in that Report. It is in relation to such a case that it has seemed proper to Consul Moore to denounce the Government of the Confederate States to one of its own citizens as being indifferent "to cases of the most atrocious cruelty." A copy of his letter to the Counsel of the two men is annexed, marked (F).

The earnest desire of this Government is to entertain amicable relations with all nations, and with none do its interests invite the formation of closer ties than with Great Britain. Although feeling aggrieved that the Government of Her Majesty has pursued a policy which, according to the confessions of Earl Russell himself, has increased the disparity of strength which he considers to exist between the belligerents, and has conferred signal advantage on our enemies, in a war in which Great Britain announces herself to be really and not nominally neutral, the President has not deemed it necessary to interpose any obstacle to the continued residence of British Consuls within the Confederacy by virtue of exequaturs granted by the former Government. His course has been consistently guided by the principles which underlie the whole structure of our Government. The State of Virginia having delegated to the Government of the United States by the Constitution of 1787 the power of controlling its foreign relations, became bound by the action of that Government in its grant of an exequatur to Consul Moore. When Virginia seceded, she withdrew the powers delegated to the Government of the United States and conferred them on this Government; the exequatur granted to Consul Moore was not thereby invalidated. An act done by an agent while duly authorized continues to bind the principal after the revocation of the agent's authority. On these grounds the President has hitherto steadily resisted all influences which have been exerted to induce him to exact of foreign Consuls that they should ask for an exequatur from this Government as a condition of the continued exercise of their functions. It was not deemed compatible with the dignity of the Government to extort, by enforcing the withdrawal of national protection from neutral residents, such inferential recognition of its independence as might be supposed to be implied in the request for an exequatur. The Consuls of foreign nations, therefore, established within the Confederacy, who were in possession of an exequatur issued by the Government of the United States prior to the formation of the Confederacy, have been maintained and respected in the exercise of their legitimate functions, and the same protection and respect will be accorded to them in future, so long as they confine themselves to the sphere of their duties, and seek

neither to evade nor defy the legitimate authority of this Government within its own jurisdiction.

There has grown up an abuse, however, the result of this tolerance on the part of the President, which is too serious to be longer allowed. Great Britain has deemed it for her interest to refuse acknowledging the patent fact of the existence of this Confederacy as an independent nation. It can scarcely be expected that we should, by our own conduct, imply assent to the justice or propriety of that refusal. Now that the British Minister accredited to the Government of our enemies assumes the power to issue instructions and exercise authority over the Consuls of Great Britain residing within this country, nay, even of appointing agents to supervise British interests in the Confederate States, this course of conduct plainly ignores the existence of this Government, and implies the continuance of the relations between that Minister and the Consuls of Her Majesty resident within the Confederacy which existed prior to the withdrawal of these States from the Union. It is further the assertion of a right, on the part of Lord Lyons, by virtue of his credentials as Her Majesty's Minister at Washington, to exercise the power and authority of a Minister accredited to Richmond, and officially received as such by the President. Under these circumstances, and because of similar action by other Ministers, the President has felt it his duty to order that no direct communication be permitted between the Consuls of neutral nations in the Confederacy and the functionaries of those nations residing within the enemy's country. All communication, therefore, between Her Majesty's Consuls or Consular Agents in the Confederacy and foreign countries, whether neutral or hostile, will hereafter be restricted to vessels arriving from or dispatched for neutral ports. The President has the less reluctance in imposing this restriction because of the ample facilities for correspondence which are now afforded by the fleets of Confederate and neutral steam-ships engaged in regular trade between neutral countries and the Confederate ports. This trade is daily increasing in spite of the paper blockade which is upheld by Her Majesty's Government, in disregard, as the President conceives, of the rights of this Confederacy, of the dictates of public law, and of the duties of impartial neutrality.

You are instructed by the President to furnish a copy of this despatch, with a copy of the papers appended, to Her Majesty's Secretary of State for Foreign Affairs.

I am, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Hon James M. Mason,
Commissioner, &c., &c., London.

No. 3.

Acting Consul Cridland to Earl Russell.—(Received August 30.)

My Lord,

Mobile, June 15, 1863.

I HAD the honour to report to your Lordship that I had arrived in this city, and after getting possession of the seals and archives of this Consulate, had entered on my duties as Acting Consul.

On the 2nd of June, according to the desire of Lord Lyons, M. Portz, French Vice-Consul, introduced me to the naval and military authorities here, having jurisdiction in this Department, and exhibited to those officers a despatch from Lord Lyons, dated April 30th, which I had presented to M. Portz on my arrival, informing that gentleman of my acting appointment, and asking him to deliver to me the archives and seals of office, and to introduce me to the authorities.

The General commanding informed me that he would issue orders in regard to my official acts at Mobile. Her Majesty's Consulate remained open from the 29th of May to the 7th instant, and my official acts were evidently respected. On the 7th of June, however, a letter was left at this office from the military head-quarters of this district, dated that day, informing me that the orders issued on the 2nd June recognizing me as Acting British Consul had been revoked, and requesting me to suspend the exercise of all Consular functions.

I have the honour to inclose a copy of that letter, dated June 7th, and of my answer thereto, dated June 8th.

On Saturday the 13th instant Colonel Garner, Chief of the Staff of the Major-General commanding in Alabama, delivered to me a letter dated June 7, addressed to me by Mr. Benjamin, Secretary of State at Richmond, a copy of which I beg to inclose for your Lordship's inspection, and also a copy of my answer to Mr. Benjamin, dated June 13.

In that despatch your Lordship will see that I was not only informed by Mr. Benjamin that I could not be permitted to exercise Consular functions at Mobile, but that I was further requested to remove from the State of Alabama.

I beg to inform your Lordship that at the unofficial interview with Mr. Benjamin on the 18th of May he remarked to me after what I stated to him, and which I have recapitulated in my reply to his letter, that he was perfectly aware that as Acting Consul to Mobile I did not require a commission, and consequently could have no exequatur, all of which he seems to have since forgotten, and desires to convey the idea that he was not aware of my appointment as Acting Consul.

I felt that I had no authority to show Mr. Benjamin Lord Lyons' letter addressed to M. Portz.

In a private note to Mr. Benjamin I have asked permission to remain at Mobile till I can hear from Lord Lyons in regard to the disposal of the seals and archives of the office, and I am now awaiting a reply.

I have the honour to state that I have reported the entire case to Lord Lyons, and inclosed copies of the correspondence.

Requesting instructions from your Lordship.

I have, &c.
(Signed) FRED. J. CRIDLAND.

Inclosure 1 in No. 3.

Colonel Garner to Acting Consul Cridland.

*Head Quarters, Department of the Gulf,
Mobile, Alabama, June 7, 1863.*

Sir,

THE Major-General Commanding directs me to revoke the letter from these headquarters of the 2nd instant, addressed to G. M. Parker, Provost Marshal, Mobile, Alabama, recognizing you as Acting British Consul, and as such entitled to all the privileges enjoyed by Mr. James Magee.

You will please, therefore, suspend the exercise of all Consular functions.

Very respectfully, &c.
(Signed) GEO. G. GARNER, *Chief of Staff.*

Inclosure 2 in No. 3.

Acting Consul Cridland to Colonel Garner.

Sir,

Mobile, June 8, 1863.

I HAVE the honour to acknowledge the receipt of your communication of the 7th instant, informing me that the Major-General commanding has directed you to revoke the letter issued from your head-quarters on the 2nd instant, addressed to the Provost-Marshal of Mobile, Alabama, recognizing me as Acting British Consul; further, directing me to suspend the exercise of all Consular functions.

Due notice is taken of the Major-General's instructions and request.

I am, &c.
(Signed) FRED. J. CRIDLAND.

Inclosure 3 in No. 3.

Mr. Benjamin to Acting Consul Cridland.

Sir,

Department of State, Richmond, June 8, 1863.

HAVING been informed through Admiral Buchanan that you have been introduced to him as Acting English Consul at Mobile, and have shown him an official document signed by Lord Lyons appointing you to that office, you are informed that you cannot be permitted to exercise the functions of that office under that appointment.

As you informed this Department that you were going to Mobile to look after British interests unofficially, and failed to communicate the fact that you were bearer of an appointment from Lord Lyons, it is deemed best to avoid any misunderstanding on the

subject by requesting you to select some other residence within the Confederacy than the State of Alabama.

I am, &c.
(Signed) J. P. BENJAMIN.

Inclosure 4 in No. 3.

Acting Consul Cridland to Mr. Benjamin.

Sir,

Mobile, June 13, 1863.

I HAVE the honour to acknowledge the receipt of your communication of the 8th instant, stating that you have been informed, through Admiral Buchanan, that I had been introduced to him as Acting English Consul at Mobile, and had shown him an official document, signed by Lord Lyons, appointing me to that office, and informing me that I cannot be permitted to exercise the functions of that office under that appointment.

Stating further, that as I had informed your Department that I was going to Mobile to look after British interests unofficially, and had failed to communicate the fact that I was the bearer of an appointment from Lord Lyons, it is deemed best to avoid any misunderstanding on the subject by requesting me to select some other residence within the Confederacy than the State of Alabama.

In reply to the above I beg to state that, according to the request of Lord Lyons, I did on my arrival here deliver a letter to M. Portz, French Vice-Consul and late Acting British Consul, stating that Her Majesty's Government had directed me to take charge of Her Majesty's Consulate at Mobile with the character of Acting Consul, and asking M. Portz to be so kind as to present me to the local authorities, and to assist me in entering upon my functions as Her Majesty's Acting Consul at Mobile.

With regard to the last paragraph of your communication, I am under the impression and belief that at the interview with yourself on the 18th of May, I informed you that as the Richmond papers had stated that I was going "to Mobile with a full Consul's commission in my pocket and an exequatur from the United States' Government," I came to deny that statement, and to inform you that I was going to Mobile to do what Mr. Magee had previously done as Acting Consul, and that I had a letter to M. Portz from Lord Lyons, asking that gentleman to deliver the archives of the Consulate to me. As the letter of Lord Lyons was not addressed to me I did not call it a commission.

Your request for me to select some other residence within the Confederacy than the State of Alabama will of course be duly attended to.

I am, &c.
(Signed) FRED. J. CRIDLAND.

No. 4.

Earl Russell to Acting Consul Cridland.

Sir,

Foreign Office, September 8, 1863.

IN reply to your despatch of the 11th of July, I have to instruct you to ask leave to be allowed to remain at Mobile, but if you are not allowed to do so, you will go to Richmond and there await instructions.

I am, &c.
(Signed) RUSSELL.

No. 5.

Mr. Stuart to Earl Russell.—(Received September 14.)

(Extract.)

Washington, August 29, 1863.

I HAVE the honour to forward to your Lordship the accompanying copies of five despatches from Mr. Cridland, reporting his arrival at Mobile, and the subsequent refusal of the Confederate authorities to permit him to exercise his Consular functions or even to reside in the State of Alabama.

Your Lordship will perceive that Mr. Cridland eventually succeeded in obtaining permission from the Secretary of State at Richmond to remain at Mobile until Her Majesty's Government shall have had time to consider the whole subject,—a month or two from the 3rd of July being the time within which Mr. Benjamin supposed that Mr. Cridland might receive instructions from your Lordship.

The question having been referred to your Lordship, Lord Lyons considers it unadvisable that any instructions should be sent from hence to Mr. Cridland. His Lordship has, however, observed to me that he has always been most anxious that his name or that of this Legation should not be employed in any communications made to the Confederate authorities by Her Majesty's Consular Agents in the South, and in instructing Mr. Consul Moore to send Mr. Cridland to Mobile, he expressly desired that the letter of appointment should be made out by Mr. Moore as emanating from Her Majesty's Government instead of from Washington.

Inclosure 1 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, May 28, 1863.

I HAVE the honour to report to your Lordship that I arrived at the port of Mobile on the 27th instant, and entered on my duties as British Acting Consul this day.

I delivered your Lordship's letter of the 30th April to M. Portz, who at once made over to me the archives and the seals of the office.

Not having as yet had the occasion to communicate with the local or so-called Confederate authorities, I cannot now report to your Lordship whether my requests will meet with a favourable consideration or not at their hands.

I have, &c.
(Signed) F. J. CRIDLAND.

Inclosure 2 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, June 8, 1863.

ON the 28th of May I had the honour to report to your Lordship that I had entered on my duties as British Acting Consul at this port.

On the 2nd instant, in accordance with your Lordship's request, M. Portz, French Vice-Consul, introduced me to the naval and military authorities here having jurisdiction in this Department, and exhibited to General Maury and Admiral Buchanan your Lordship's despatch dated April 30, which I had presented to M. Portz on my arrival.

The interviews were quite pleasant, and General Maury informed me that he would issue orders in regard to my official acts at Mobile.

Her Majesty's Consulate remained open all last week, and my official acts were evidently respected.

Yesterday a communication was left at the Consulate from the military headquarters of this Department, dated 7th June, a copy of which I beg to inclose herewith, and also of my answer thereto dated this day.

General Maury has informed me unofficially that the orders had come from Richmond.

By the communication received yesterday, your Lordship will perceive that my Consular functions are now suspended. I continue to attend as usual in the office, and inform British subjects of the fact.

Awaiting instructions from your Lordship for my future guidance, I have, &c.

(Signed) F. J. CRIDLAND.

Inclosure 3 in No. 5.

Colonel Garner to Acting Consul Cridland, June 7, 1863.

[See Inclosure 1 in No. 3.]

Inclosure 4 in No. 5.

Acting Consul Cridland to Colonel Garner, June 8, 1863.

[See Inclosure 2 in No. 3.]

Inclosure 5 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, June 13, 1863.

I HAVE the honour to place before your Lordship the copy of a letter dated the 8th instant, addressed to me by Mr. Benjamin, Secretary of State of the so-called Confederate States, and which was delivered to me this morning open, by order of General Maury, the Military Commandant of this Department, informing me that I cannot be permitted to exercise Consular functions at Mobile, and further requesting me to remove from this State.

In my despatch to your Lordship dated June 8, I reported all that had taken place on my being introduced by M. Portz to the authorities, and of what had occurred up to the date of that despatch.

I have also the honour to inclose herewith a copy of my reply to Mr. Benjamin's communication dated to-day, and have only further to state that at the unofficial interview with that gentleman on the 18th of May, he remarked to me, after what I stated to him, and which I have recapitulated in my reply to his letter, that he was perfectly aware that as Acting Consul to Mobile I did not require a Commission, and consequently could have no exequatur, all of which he seems to have since forgotten, and desires to convey the idea that he was not aware of my appointment as Acting Consul. I felt that I had no authority to show him your Lordship's letter to M. Portz.

I have addressed a private note to Mr. Benjamin requesting permission to remain here till I can hear from your Lordship in regard to the disposal of the seals and archives of the Consulate, and now await his reply, which I will also place before your Lordship.

I have, &c.

(Signed) FRED. J. CRIDLAND.

Inclosure 6 in No. 5.

Mr. Benjamin to Acting Consul Cridland, June 8, 1863.

[See Inclosure 3 in No. 3.]

Inclosure 7 in No. 5.

Acting Consul Cridland to Mr. Benjamin, June 13, 1863.

[See Inclosure 4 in No. 3.]

Inclosure 8 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, June 25, 1863.

IN my despatch dated 13th instant I had the honour to inform your Lordship that with my reply to Mr. Benjamin's letter of the 8th of June, I had in a private note requested permission to remain in Mobile till I could obtain instructions from your Lordship with regard to the disposal of the archives of this Consulate.

Mr. Benjamin has replied to my note, but unfavourably, so that I am packing up the papers of this office and will place them in the hands of one of the most respectable and discreet persons in this city, M. Wauroy, the Dutch Consul.

The following are Mr. Benjamin's words in reply to my request:—

"You need not hurry at all to leave Mobile, but it is desirable that your stay there should be limited, as the local authorities may be misled by your remaining there, and

difficulties may arise. It is solely to avoid such difficulties that you were requested not to continue your residence there."

I have, &c.
(Signed) FRED. J. CRIDLAND.

Inclosure 9 in No. 5.

Acting Consul Cridland to Lord Lyons.

My Lord,

Mobile, July 11, 1863.

IN a despatch dated the 25th June last, I had the honour to inform your Lordship that the authorities at Richmond had refused me permission to remain here till I could receive instructions from your Lordship with regard to the disposal of the archives of this Consulate.

On that same date, however, I again asked for the permission, stating that foreseeing the difficulty of obtaining instructions in the case from your Lordship, I had applied for the same to Earl Russell.

I have received a reply from Mr. Benjamin, a copy of which I have forwarded to Earl Russell, and now submit the same to your Lordship.

I have, &c.
(Signed) FRED J. CRIDLAND.

Inclosure 10 in No. 5.

Mr. Benjamin to Acting Consul Cridland.

Dear Sir,

Richmond, July 3, 1863.

UNDER the circumstances mentioned in your private letter of the 25th ultimo just received, your continued residence in Mobile will not be disturbed until your Government has had time to make such disposal of the whole subject as may seem best to it.

I doubt not that instructions will arrive in a month or two.

Yours, &c.
(Signed) J. P. BENJAMIN.

No. 6.

Lord Lyons to Earl Russell.—(Received October 29.)

My Lord,

Washington, October 16, 1863.

I HAVE the honour to inclose an extract from the "New York Herald" of the 12th instant, containing a summary, quoted from a Southern newspaper, of a correspondence which would appear to have taken place between Mr. Acting Consul Fullarton and the Governor of the State of Georgia, respecting the claim of the State to force British subjects to serve in its Militia.

I have no other information respecting this correspondence.

I have, &c.
(Signed) LYONS.

Inclosure in No. 6.

Extract from the "New York Herald" of October 12, 1863.

BRITISH SUBJECTS DRAFTED FOR MILITARY SERVICE IN REBEL STATES ORDERED TO THROW DOWN THEIR ARMS.—GEORGIA AND GREAT BRITAIN.—A Mr. Fullarton, who dates letters from the British Consulate at Savannah, who signs himself "Acting Consul," and who informs the Governor of Georgia that he has "submitted his authority to act as British Consul to Mr. Benjamin, who duly accorded to him his approval and recognition," has had the audacity to give formal intimation to Governor Brown that he has advised those residents of Georgia who claim to be British subjects, and who are or may be drafted into the Militia under the late call, that if they are required "to leave their

immediate homes" or "to meet the United States' forces in actual conflict," in such event they should "throw down their arms."

Mr. Fullarton goes farther than this. While admitting the duty of British residents to defend their homes against "invasion by a foreign Power," he adds, "but not in a civil war like that which now rages on this Continent." Mr. Fullarton has considered the matter, and has judged and concluded,—and coolly informs the Governor of Georgia of his conclusion,—that Georgia is still a portion of the United States, and is engaged in a civil war against fellow-citizens of other States.

Here we must remark that Mr. Fullarton could not possibly judge or conclude otherwise. He, as Acting British Consul in Savannah, is not accredited by his Government to our Government; he knows nothing of our Government; if he has any credentials at all they are addressed to Mr. Lincoln's Government at Washington; and Mr. Benjamin acting (we must presume) for that Government at Washington, has approved and recognized Mr. Fullarton. Here we are in the habit of regarding Mr. Benjamin as Secretary of State for the Confederacy; but British Consuls and their Government know him only as a kind of agent for Mr. Lincoln, doing Mr. Seward's business here for the time the "civil war" may last.

We desire to know—and the country will demand to know—what "authority was submitted" by Fullarton to Mr. Benjamin, and which the latter found so satisfactory, and upon which he "approved and recognized" a person who is to reside in Savannah and protect the residents of Georgia against the laws of the State, and inform the Governor of Georgia that he is a rebel, waging civil war against his own Government, and advise a certain portion of the Georgia Militia to throw down their arms if they are expected to defend their State against the enemy. Was that authority thus submitted to Mr. Benjamin an appointment by Mr. Molyneux, the former Consul at Savannah? or was it a letter from Lord Lyons, the British Minister at Washington? or was it an exequatur granted by Mr. Seward at Washington? All we know for certain is, that it was not any regular appointment of a Consul accredited to the Confederate States.

One cannot but admire the patience and courtesy of Governor Brown in dealing with this most insolent "Acting Consul." But he does not recede an inch from his position, and the abstract which we append of the essential parts of the correspondence will satisfy our readers that the dignity of the Confederacy and of the State are safe in the hands of Governor Brown.

Under date of the 22nd July Mr. Fullarton writes the first letter from the "British Consulate" demanding the exemption of British subjects from the duty of defending the place of their residence, unless against foreign Powers. Here is an extract:—

"Her Majesty's Government acknowledge the right of a foreign State to claim the services of British subjects resident within its limits, for the purpose of maintaining internal order—in other words, to act as a local police force, and even, to a limited extent, to defend against local invasion by a foreign Power the places of their residence; but they deny the claim to service beyond this, and accordingly I have given advice in the following sense to British subjects who have applied to me on the subject of this draft—that militia duty is in general an obligation incident to foreign residence, and that therefore they must not object to render the service required so long as the law requires a militia organization for the maintenance of internal peace and order. But if it shall so happen that the militia, after being so organized, shall be brought into conflict with the forces of the United States, without being turned over to the Confederate States, so as to form a component part of its armies, or if it should be so turned over, in either event the service required would be such as British subjects cannot be expected to perform."

On the 8th of August Governor Brown replies. Informs Mr. Fullarton that he must have misunderstood the objects of that militia force. Tells him that the enemy is preparing raids to devastate the country, and exciting insurrections of slaves. He then continues:—

"It is needless for me to add that, in case they should be successful in inciting insurrections to this point, the butchery of helpless women and children would doubtless be the result.

"As a means of accomplishing this object, as well as of destroying public and private property, the enemy is now preparing to send cavalry raids as far as possible into this and other States of the Confederacy. These robber bands will, no doubt, burn and destroy property where they go, carry off as many slaves as they can, and attempt to stir up others with whom they come in contact to insurrection, robbery, and murder.

"It is not expected that the 8,000 men called for by my Proclamation, and the General Order to which you refer, will be used against the regular armies of the United States. The provisional armies of the Confederate States have shown themselves fully

able to meet the enemy upon a hundred battle-fields, and to drive them back with severe chastisement, wherever they have not had the advantage of their navy as a support. But it is expected that this home organization, while it may be but little of its time in actual service, will, in case of sudden emergency, assist in repelling the plundering bands of the enemy, which evade contact with our armies, and make predatory incursions to our very homes for the purposes already mentioned; and that they will assist in suppressing any servile insurrections which these plundering parties may be able to incite.

"Many who claim to be Her Majesty's subjects in this State are large slaveholders, whose danger of loss of property, and of insult and cruel injury to their wives and children, in case of insurrection, is as great as the danger to the citizens of this State, and their obligation to protect their property and their families against the local aggressions of the United States' forces is no less.

"While Her Majesty's Government has constantly refused to recognize the existence of the Government of the Confederate States, her citizens have enjoyed its protection. And while she refuses to hold any diplomatic relations with us, you, as her Representative, are permitted to represent her interests here, and to be heard for the protection of her subjects and their property. In this state of things, British subjects who still elect to remain in the Confederacy should not expect to do less than the service now required of them; and while free egress will in no case be denied them, should they desire to depart from this State, less than the service now required will not in future be demanded, in case they choose to remain in the State and enjoy its protection."

Where to Mr. Fullarton replies on the 17th August. He says it was not he who misunderstood the affair, but Governor Brown:—

"I perfectly understood the intentions of the Government in organizing the force of 8,000 men for home defence, but I am obliged to conclude that you have misunderstood me when I admitted the right of the State to claim the services of British subjects resident within its limits for the purpose of maintaining internal order, and even to a limited extent to defend the places of their residence against local invasion by a foreign Power. Such service might be rendered by them in the event of a war by a foreign Power, but not in a civil war like that which now rages on this continent.

"Her Majesty's Government consider that the plainest notions of reason and justice forbid that a foreigner, admitted to reside for peaceful purposes in a State forming part of a Federal Union, should be compelled by that State to take an active part in hostilities against other States which, when he becomes a resident, were members of one and the same Confederacy. While acknowledging the right of the State, under present circumstances, to the services of British subjects for patrol or police duty, Her Majesty's Government object to any further extension of such service. I have consequently, under instructions, felt myself compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes or to meet the United States' forces in actual conflict; in that event to throw down their arms and refuse to render a service the performance of which would run directly in the teeth of Her Majesty's Proclamation, and render them liable to the severe penalties denounced against a violation of the strict neutrality so strongly insisted on in that document."

And he adds this menace:—

"The despatches which I have received from the British Government relative to compulsory service are strong. I am instructed to remonstrate in the strongest terms against all attempts to force British subjects to take up arms. Should these remonstrances fail, the Governments in Europe, interested in this question, will unite in making such representations as will secure to aliens this desired exemption."

To this the Governor replies as becomes him:—

"You virtually deny that the United States is a foreign Power, and claim that Georgia is still a component part of the Government of the United States. You have probably been influenced in your persistence in this error by the forbearance of the Government and people of the Confederate States in permitting Her Majesty's Consuls to remain among us in the exercise of the function of a position to which they were originally accredited by the Government of the United States. As it is no part of my purpose to enter into an argument to convince you that the United States is a hostile Power foreign to Georgia, I will dismiss this part of the controversy with the single remark that if your pretensions be correct, your appeal for the protection of British subjects resident within this State should have been made to the Government at Washington, and not to me.

"You are pleased to inform us that you have felt compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes, or to meet the United States' forces in actual conflict; in that event to throw down their arms and

refuse to render a service the performance of which would run directly in the teeth of Her Majesty's Proclamation, &c. It is worthy of remark that the language you employ is, 'to leave their immediate homes, or to meet the United States' forces in actual conflict.' Your advice, then, to British subjects, if I correctly understand it, is that when the United States' forces attack the immediate locality of their homes or their own houses, they are not to defend them, as required by the laws of nations, against such local invasion; but they are to throw down their arms and refuse to fight for the protection of their domiciles. In reply to this, it is my duty to inform you that I can neither be bound by your pretensions that the United States is not a Power foreign to Georgia, nor can I admit the right of Her Majesty by Proclamation to change the laws of nations, and insist upon maintaining her subjects here and exempting them from the performance of the duties imposed upon them by the laws of nations. When the troops now drafted have been turned over to the Government of the Confederate States, to be held in readiness to repel local invasion, if they should, upon the approach of a hostile force, follow your advice, and throw down their arms, that Government will have the power to pardon for such conduct, or to strike their names from its muster rolls if it chooses to do so; but if an attack should be made by the enemy upon the immediate locality of their homes, while I control and command the forces to which they are attached, and they should be guilty of conduct so unnatural and unmanly as to throw down their arms and refuse to defend their domiciles, they will be promptly dealt with as citizens of this State would be should they be guilty of such dishonourable delinquency."

Here it is to be observed that it was prudent in the Governor to answer only for himself; he knows very well what he will do, while he commands the State Militia, to any of the State force who may throw down their arms in face of the enemy; but he cannot tell what the Confederate authorities might do in such a case, with Mr. Benjamin Secretary of State.

Mr. Fullarton had asked if there would be any obstacle to the British residents leaving the country, even if already drafted, and intimates that this would deprive the Confederacy of artisans and mechanics whose services were of "inestimable value." The Governor responds:—

"It is gratifying to know that there is no law of nations or of this State which throws any obstruction in the way of the removal of any British subject from the State who is not satisfied with the privileges and protection which he enjoys. You remind me, however, that not a few of them are mechanics, of whose inestimable services at this crisis the Confederacy will be deprived in case of their removal. These mechanics have no doubt remained in this State because they felt it their interest to remain. And in reference to them this State will very cheerfully adopt the rule which generally controls the British Government. She will consult her own interest, and will exempt from military service for local defence such mechanics who are aliens as choose to remain, and as will be more serviceable in that capacity."

Mr. Fullarton next begins operations by demanding leave to quit the State for J. D. and F. M. Kiely, "two drafted British subjects." We give the whole of the Governor's reply which closes the correspondence, as we find it in the "Atlanta Intelligencer:—

"Mr. A. Fullarton, Acting Consul of Great Britain:

"Dear Sir,

"*Marietta*," September 14, 1863.

"I HAVE the honour to acknowledge the receipt of your communication of the 12th instant, in which you request me to issue orders to the commanding officers to grant J. D. and F. M. Kiely, two drafted British subjects, residents of Rome, Georgia, leave to quit the State and permission to remain unmolested in Rome thirty days, to settle their affairs in that city. This permission will be cheerfully granted upon the production to me of sufficient evidence that the persons named are British subjects.

"By an Ordinance of the Convention of this State representing her people and her Sovereignty, passed on the 16th day of March, 1861, it is declared:—

"That all white persons resident in this State at the time of the secession of the State from the United States, with the *bonâ fide* intention of making it the place of their permanent abode, shall be considered as citizens of this State, without reference to their place of birth: provided that any persons not born in this State can except him or herself from the operations of this Ordinance by a declaration in any Court of Record in the State, within three months from this date, that he or she does not wish to be considered a citizen of this State."

"The Ordinance of Secession referred to in the above quotation was passed on the 19th day of January, 1861.

"If the Messrs. Kiely were resident in this State on the 19th day of January, 1861,

and did not file their declaration in a Court of Record in this State within three months from the 16th day of March, 1861, that they did not wish to become citizens of this State, they accepted the privileges and obligations of citizenship offered them by the State, and ceased to be British subjects, and are consequently not entitled to the leave to quit the State for which you ask under my letter of the 26th ultimo. If, however, they became residents of this State at any time since the 13th day of January, 1861, or if they were then residents, and filed their declaration as required by the Ordinance, within three months after the 16th day of March, 1861, they will be allowed the thirty days to arrange their affairs, as you request, and permitted to depart from the State at the expiration of that term. With high consideration, I am, &c.

(Signed) "JOSEPH E. BROWN."

Bravo, Governor! We hope there is not a single Governor of a State in the Confederacy capable of acting with less spirit and patriotism than Governor Brown.

But what on earth are we to do with Mr. Benjamin and his "Consuls?" How long are we to suffer him to "approve and recognize" persons who do not approve or recognize us, who publicly insult the sovereignty of our States, who tell us we are waging "civil war" against our Government at Washington, and who officially advise our State soldiers to throw down their arms? Something must be done; and no one will be surprised if the Governor of Georgia now finds it to be his duty to draft Mr. Fullarton. The gentleman or his Government can ask redress at the hands of Mr. Lincoln.

No. 7.

Lord Lyons to Earl Russell.—(Received November 6.)

My Lord,

Washington, October 23, 1863.

WITH reference to my despatch of the 16th instant, I have the honour to transmit to your Lordship an extract from the "National Intelligencer" newspaper of the day before yesterday, containing a part of a correspondence which has been published in the Southern newspapers, and from which it appears that the so-called Confederate Government has expelled the British Consular Officers from the territory subject to it.

I have no other information on the subject.

I have, &c.
(Signed) LYONS.

Inclosure in No. 7.

Extract from the "National Intelligencer" of October 21, 1863.

EXPULSION OF ALL THE BRITISH CONSULS.—WE published a few days ago a digest of a correspondence that had passed between Governor Brown, of Georgia, and Mr. Fullarton, British Consul at Savannah, in reference to the rights of British subjects who had been impressed into the Confederate army. The position taken by Mr. Fullarton on that occasion has brought to a crisis the anomalous question of the position of British Consuls in the Confederacy; and a correspondence has been published by the Rebel State Department, in the course of which Mr. Benjamin takes occasion, on behalf of the Confederacy, to dispense with the existence of British Consular Agents.

The first document is a very long despatch addressed by Mr. Benjamin to Mr. Slidell in Paris. It is dated from the Department of State at Richmond on the 18th instant, and, as the point of the whole matter is in the first paragraph, we here quote it:—

"The conduct of the British Consular Agents in the Confederacy has compelled the President to take the decisive step of expelling them from our country, and it is deemed proper to put you in possession of the causes which have produced this result, that you may have it in your power to correct any misrepresentations on the subject. To this end it is necessary to review the whole course of the British Government and that of the Confederacy in relation to these officials."

Lest the Emperor of the French may misunderstand this action, Mr. Benjamin concludes his despatch with the following paragraph:—

"The exercise of the *droit de renvoi* is too harsh, however, to be resorted to without justifiable cause, and it is proper that you should have it in your power to explain the grounds on which the President has been compelled to enforce it. Lest also the

Government of His Imperial Majesty should be misled into the error of supposing that the rights of French citizens are in any manner involved in the action of the President, which has been rendered necessary by the reprehensible conduct of the British Consular Agents, you are requested to take an early occasion for giving such explanations to M. Drouyn de Lhuys as will obviate all risk of misapprehension."

We give entire the despatch in which Mr. Benjamin announces to Mr. Fullarton the fact of his dismissal:—

"Sir,

"Department of State, Richmond, October 3, 1863.

"Your letters of the 1st and 3rd instant have been received. You inform this Government that, 'under your instructions, you have felt it to be your duty to advise British subjects that while they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Government, the service so required is such as they cannot be expected to perform.

"Your correspondence with the Governor of Georgia leaves no doubt of the meaning intended to be conveyed by this language. In that correspondence you state that 'under instructions, you have felt yourself compelled to advise those drafted to acquiesce until called from their homes, or to meet the United States' forces in actual conflict; but in that event to throw down their arms, and refuse to render a service directly in the teeth of Her Majesty's Proclamation, which would incur the severe penalties denounced in the Neutrality Act.'

"In a communication from the Acting British Consul in Charleston to the military authorities, he also has informed them that 'he has advised the British subjects generally to acquiesce in the State military organizations; but at the same time he informed them that, in the event the Militia should be brought into conflict with the forces of the United States, either before or after being turned over to the Confederate Government, the services required of them would be such as British subjects could not be expected to perform.'

"It thus appears that the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress, either to Courts of Justice or to this Government, whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects (an appeal which has in no case been made without receiving just consideration), but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of the Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy.

"This assumption of jurisdiction by foreign officials within the territory of the Confederacy, and this encroachment on its sovereignty, cannot be tolerated for a moment; and the President has had no hesitation in directing that all Consuls and Consular Agents of the British Government be notified that they can no longer be permitted to exercise their functions, or even reside, within the limits of the Confederacy.

"I am directed, therefore, by the President to communicate to you this order, that you promptly depart from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

"I am, &c.

(Signed)

"J. P. BENJAMIN, *Secretary of State.*

"A. Fullarton, Esq., Savannah, Georgia."

The "Richmond Enquirer" has the following among other comments on the above correspondence:—

"It ought to have been known here from the first, but was not, that England could be no friend to the Confederacy or its cause; although sufficiently an enemy to the United States to desire the final disruption of the Union. We have been long in finding out the truth, and, before we would admit it, have endured some humiliations and insolent airs on the part of that Power, which surprised us very much, but ought not to have done so. At last the thing has become too clear.

"Be it so; we are content that the right thing is done at last in this most provoking matter. We pay our compliments also to the Secretary for the clearness and precision with which he has set forth what he thought it material to place on record; and though some of his views about continuing and revoking exequaturs, and the like, are liable to exception, there is no occasion to controvert them any further on the present occasion. Practically, the right position with regard to the British Government is now reached.

We may now expect, ere long, to see a British Minister at Richmond, and British Consuls asking exequaturs from Mr. Benjamin; for England never neglects her subjects, nor leaves them without the shadow of her wing and the guardianship of her flag. The sooner the better. We do not want to hurt either her or her subjects."

No. 8.

Acting Consul Walker to Earl Russell.—(Received November 27.)

My Lord,

Charleston, October 15, 1863.

I HAVE the honour to transmit to your Lordship herewith a copy of a despatch I have this day received from Mr. Benjamin, the Secretary of the so-called Confederate States, conveying to me the orders of the President of the same promptly to withdraw from the Confederacy, and in the meantime to cease the exercise of Consular functions within its limits. I also transmit a copy of a despatch inclosed to me by Mr. Benjamin, to which I am referred for the reasons which have induced the President to adopt such a course.

Upon an examination of this despatch, it seems that Mr. Benjamin has concluded from certain statements made by Mr. Fullarton, and from a statement made by myself, that the Consular Agents of Her Majesty have been instructed not to confine themselves to an appeal for redress either to Courts of Justice or to the Confederate Government whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects; but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of the Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy. As these conclusions and surmises are entirely inapplicable to this Consulate, I have taken upon myself to reply to Mr. Benjamin's despatch, and to controvert his positions *in toto*, in the most emphatic manner possible; and as he has thought proper to give publicity to the whole affair by causing it to be published in the Richmond "Sentinel," I have submitted to him that justice to Her Majesty's Government, and to myself, requires a like publication of my reply to him.

I have the honour to transmit herewith a copy of that reply.

I have, &c.

(Signed) H. PINCKNEY WALKER.

Inclosure 1 in No. 8.

Mr. Benjamin to Acting Consul Walker.

Sir,

Department of State, Richmond, October 8, 1863.

FOR the reasons expressed in the inclosed copy of a letter from this Department to the Acting British Consul at Savannah, I have to convey to you the orders of the President that you promptly withdraw from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

I am, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Inclosure 2 in No. 8.

Mr. Benjamin to Acting Consul Fullarton.

Sir,

Department of State, Richmond, October 8, 1863.

YOUR letters of the 1st and 3rd instant have been received. You inform this Government that "under your instructions you have felt it to be your duty to advise British subjects that, whilst they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Governments, the service so required is such as they cannot be expected to perform."

Your correspondence with the Governor of Georgia leaves no doubt of the meaning intended to be conveyed by this language.

In that correspondence you state that "under instructions you have felt yourself compelled to advise those drafted to acquiesce until called from their homes, or to meet the United States' forces in actual conflict; but in that event to throw down their arms, and refuse to enter a service directly in the teeth of Her Majesty's Proclamation, and which would incur the severe penalties denounced in the Neutrality Act."

In a communication from the Acting British Consul in Charleston to the military authorities, he also has informed them that "he has advised the British subjects generally to acquiesce in the State Militia organizations, but at the same time he informed them that in the event the Militia should be brought into conflict with the forces of the United States, either before or after being turned over to the Confederate Government, the services required of them would be such as British subjects could not be expected to perform."

It thus appears that the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress either to Courts of Justice or to this Government whenever they may conceive that grounds exist for complaint against the Confederate authorities in their treatment of British subjects (an appeal which has in no case been made without receiving just consideration), but that they assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service; that they even arrogate the right to interfere directly with the execution of Confederate laws, and to advise soldiers of the Confederate armies to throw down their arms in the face of the enemy.

This assumption of jurisdiction by foreign officials within the territory of the Confederacy and this encroachment on its sovereignty cannot be tolerated for a moment; and the President has had no hesitation in directing that all Consuls and Consular Agents of the British Government be notified that they can no longer be permitted to exercise their functions, or even to reside within the limits of the Confederacy.

I am directed, therefore, by the President to communicate to you this order, that you promptly depart from the Confederacy, and that in the meantime you cease to exercise any Consular functions within its limits.

I am, &c.

(Signed) J. P. BENJAMIN, *Secretary of State.*

Inclosure 3 in No. 8.

Acting Consul Walker to Mr. Benjamin.

Sir,

Charleston, October 15, 1863.

I HAVE the honour to acknowledge the receipt on this day of your despatch to me of the 8th instant, conveying to me the orders of the President that I promptly withdraw from the Confederacy, and in the meantime cease to exercise any Consular functions within its limits.

Your despatch incloses to me another addressed by you to Her Britannic Majesty's Acting Consul at Savannah, to which I am referred for the reasons which have induced the orders for my withdrawal which you have conveyed to me.

I have accordingly examined that despatch, and I have the honour to represent that justice to myself and my duty to Her Majesty's Government require that I should without any hesitation point out to you how very serious are the mistakes you have fallen into.

However correct your premises may be, you are exceedingly unfortunate in the conclusions you have arrived at. You conclude that "the Consular Agents of the British Government have been instructed not to confine themselves to an appeal for redress, either to the Courts of Justice or to your Government whenever they may conceive that grounds for complaint exist against the Confederate authorities in their treatment of British subjects." The fact is not so; and I am sorry to be obliged to say you are entirely mistaken.

You next conclude and assert that Her Majesty's Consular Agents "assume the power of determining for themselves whether enlisted soldiers of the Confederacy are properly bound to its service."

To this assertion, so far as it refers to this Consulate, I claim the right to give the most unqualified denial; and I challenge the proof of any action that has been taken, or any advice or countenance that has at any time been given by me to any enlisted

man. And with like emphasis do I utterly deny that I have ever arrogated the right to interfere directly or indirectly with the execution of Confederate laws, or extended any advice whatever to any of the soldiers of its armies upon any topic whatsoever.

Therefore, in further denial of your assertions, unfounded so far as they are applied to me, it becomes my turn to draw some conclusions: and they are that I have not, as you allege, assumed any undue jurisdiction within the territory of the Confederacy nor in any way encroached upon its sovereignty. In short, the only assertion made in your despatch in which I can concur, is, that in which you say no appeal has been made to you without receiving just consideration. I have pleasure in admitting the truth of this statement, and on proper occasion it has given me pleasure to announce to Her Majesty's Government the satisfactory manner in which my appeals have been received.

But I have now to complain that you have done to me both personally and officially, and also to Her Majesty's Government, very great injustice by publishing throughout the Southern States, as applicable to myself and to this Consulate, conclusions which are utterly without foundation.

And I submit, therefore, to your just consideration that the injustice complained of can only be removed by your giving to this despatch the same publicity that you have been pleased to give to the charges you have preferred.

I have the honour to request that such orders may be given as will enable me to hold communication with any of Her Majesty's ships that may visit the coast of this Consular district.

I have, &c.
(Signed) H. PINCKNEY WALKER.

No. 9.

Acting Consul Walker to to Earl Russell.—(Received November 27.)

My Lord,

Charleston, October 9, 1863.

I HAVE the honour to inclose to your Lordship a copy of the official publication of the State Department of the so-called Confederate States in reference to the recent orders for the removal of Her Majesty's Consuls from the Confederacy.

It commences with a despatch from Mr. Benjamin to Mr. Slidell, which may not otherwise fall under your Lordship's notice. In this among other things he insists that Her Majesty's Consuls at this port and Savannah have interfered with Confederate enlisted soldiers, and with the execution of the Confederate laws, and declares that the despatch is sent to Mr. Slidell to enable him to give such explanation of the Confederate act in expelling Her Majesty's Consuls as will obviate the belief of its having arisen from a different cause.

In connexion with this subject I pray your Lordship to permit me to offer a few remarks.

In the despatch referred to Mr. Benjamin refers to the Act of the Confederate Congress, passed in April, 1862, directing "a draft for the army" of the Confederate States.

I beg to call your Lordship's attention to these facts: that the law referred to is entitled "An Act to further provide for the Public Defence," that it is universally known as "the Conscription Act," and those who enter the army under its provisions as "conscripts," and those who receive and instruct them as "Commandants of Conscripts" and those who gather them as "Enrolling officers." The word "draft" is not to be found in the Act, nor is it ever understood as applicable to those who enter the service under it. For your Lordship's further information on this point I transmit herewith a copy of the Act.

Upon the subsequent call of the President of the so-called Confederate States upon the Governors of the several States for additional troops to be employed in Confederate service within their limits, they for the most part undertook to re-organize the Militia of the States over which they presided; they also called for volunteers and announced that drafts would take place from the newly organized militia to make up the number asked of them, should volunteering not supply it.

The advice which I have given and to which Mr. Benjamin takes exception was given on the eve of this new militia organization, and the word "drafted" as used by Mr. Fullarton has reference to the performance of that operation by the State authorities, and cannot fairly be tortured into a connection with "enlisted men" nor "Confederate laws." I will state moreover that those who have applied to me for counsel and direction

I have regarded as involuntary inhabitants; the continuance of the blockade and the existence of military lines having forbid their evacuation of the country.

I trust your Lordship will forgive me for this digression, which I venture to make in order to expose the special pleading of Mr. Benjamin, whereby, as it seems to me he seeks unjustly to cast odium on Her Majesty's Government and upon her Consular officers.

I have, &c.
(Signed) H. PINCKNEY WALKER.

Inclosure 1 in No. 9.

Official Correspondence of the State Department relative to the Dismissal of the British Consuls.

Mr. Benjamin to Mr. Slidell.

Sir,

Department of State, Richmond, October 8, 1863.

THE conduct of the British Consular Agents in the Confederacy has compelled the President to take the decisive step of expelling them from our country; and it is deemed proper to put you in possession of the causes which have produced this result, that you may have it in your power to correct any misrepresentations on the subject. To this end it is necessary to review the whole course of the British Government and that of the Confederacy in relation to these officials.

When the Confederacy was first formed, there were in our ports a number of British Consuls and Consular Agents, who had been recognized as such, not only by the Government of the United States, which was then the authorized agent of the several States for that purpose, but by the State authorities themselves. Under the law of nations, those officials are not entitled to exercise political or diplomatic functions, nor are they ever accredited to the Sovereigns within whose dominions they reside. Their only warrant of authority is the commission of their own Government: but usage requires that those who have the full grade of Consul should not exercise their functions within the territory of any Sovereign before receiving his permission in the form of an exequatur; while Consular agents of inferior grade simply notify the local authorities of their intention to act in that capacity. It has not been customary, upon any change of Government, to interfere with these commercial officials already established in the discharge of their duties, and it is their recognized obligation to treat all Governments which may be established *de facto* over the ports where they reside as Governments *de jure*. The British Consular officials gave no cause of complaint on this score, and the President interposed no objection to the continued exercise of their functions. On other grounds, however, various causes of complaint subsequently arose, and in the case of Consul Moore it was found necessary to revoke his exequatur for his disregard of the legitimate request of this Department that he should abstain from further action as Consul until he had submitted his commission for inspection, and because of his offensive remarks touching the Confederate authorities in relation to two enlisted soldiers, as fully explained in a published despatch of this Government. Attention was also called in that despatch (which was communicated to the British Cabinet) to the objectionable conduct of British functionaries in the enemy's country, who assumed authority within the limits of the Confederacy, thereby implying that these States were still members of the Union to which those functionaries were accredited, and ignoring the existence of this Government within the territory over which it was exercising unquestioned sway. Notwithstanding the grave character of this complaint, the President confined himself to reprehending this conduct, and to informing the British Government that he had forbidden, for the future, any direct communication between British Consuls here and British officials in the United States. And here it may not be improper to observe, that although this despatch was published at the time of its date, and was communicated to the Foreign Office in London, Her Majesty's Ministers made the strange mistake of asserting in the House of Commons that Mr. Moore's dismissal was connected in some way with alleged cruelties committed on one Belshaw, of whose existence the Department was ignorant till the publication of the debate, and concerning whom no representation exists on its files.

Soon after that despatch was forwarded, the President was apprised by the Governor of Alabama that Her Majesty's Government had visited with severe displeasure and had removed from office the British Consular Agent at Mobile, because he had received and forwarded from Mobile, on an English man-of-war, money due by the State of Alabama

to British subjects for interest on the public debt of the State; and that the British Minister at Washington, after failing in active efforts to prevent the remittance of this money, had assumed the power of appointing a Consular Agent within the Confederacy to replace the officer at Mobile who had incurred censure and punishment for the discharge of a plain duty to British subjects which happened to be distasteful to the United States. A copy of the despatch on this subject communicated to the British Government is inclosed, and you will perceive that the action of the President was marked by extreme forbearance, and that he confined himself to refusing permission that Mr. Cridland should act under Lord Lyons' instructions, and to expressing the confident hope that Her Majesty's Government would in the future choose some other mode of transmitting its orders and exercising its authority over its agents within the Confederacy, than by delegating to functionaries who reside among our enemies the power to give orders or instructions to those who reside among us.

In his answer to this despatch (of which a copy is also inclosed), Earl Russell, while acknowledging the justice of our remonstrance against the assumption of authority by Lord Lyons, defends the action of the British Government in the matter of the Mobile Consulate by maintaining that the transmission of the specie by Consul Magee under the circumstances above explained, "had the character, in the eyes of Her Majesty's Government, of aiding one of the belligerents against the other." This statement clearly assumes that the transmission of specie from one of these States to Great Britain in payment of a public debt to British subjects is an act of hostility against the United States, which British officials cannot promote with due regard to neutral obligations, because it "aids one of the belligerents against the other." No reason is given for this conclusion, which appears to us to be at variance with all received notions of international law. The States of the Confederacy have under the most adverse circumstances made great efforts and sacrifice to effect punctual payment of their debt to neutrals, and these efforts do not seem to us to be properly characterized as being belligerent acts against our enemies. We can but regret that Her Majesty's Government have determined so to regard them, and to discourage the discharge of a duty in which British subjects are so deeply interested.

Within the last few days the President has been informed by communications addressed to the State and Confederate authorities by two out of the three British Consular Agents remaining here, that they had received instructions from their Government to pursue a course of conduct in regard to persons of British origin now resident within the Confederacy which it has been impossible to tolerate. It seems scarcely probable that the instructions of Earl Russell have been properly understood by his Agents, but we have no means of communicating with the British Government for the correction of misunderstandings. You are aware that Great Britain has no Diplomatic Agent accredited to us, and that Earl Russell having declined a personal interview with Mr. Mason, the latter, after some time spent in an unsatisfactory interchange of written communications, has been relieved of a mission which had been rendered painful to himself and was productive of no benefit to his country. The President was, therefore, compelled to take the remedy into his own hands.

A brief statement will suffice for your full comprehension of the matter. In April 1862, Congress passed a law directing a draft for the army of "all white men who are residents of the Confederate States, between the ages of eighteen and forty-five years, and not legally exempted from military service." The draft was made, as stated in the law, in view of the absolute necessity "of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil;" in other words, all residents capable of bearing arms were called on to protect their own homes from invasion, their own property from plunder, their own families from cruel outrage. You will observe that the call was not made until after a year of war, during which it had been entirely within the power of all foreigners to depart from a country threatened with invasion, if they preferred not to share the common lot of its inhabitants.

Upon the promulgation of this law objection was made by several foreign Consuls to its application to the subjects of their Sovereigns, and the President directed that its provisions should not be so construed as to impose forced military service on mere sojourners or temporary residents, but only on such as had become citizens of the Confederacy *de jure*, or had rendered themselves liable, under the law of nations, to be considered as as citizens *de facto*, by having established themselves as permanent residents within the Confederacy, without the intention of returning to their native country.

To this very liberal interpretation of the law in favour of foreign residents, it was not supposed that objection could be taken; but on the 12th November, 1862, Consul Bunch, at Charleston, wrote to the Department as follows:—

"I have now received the instructions of Earl Russell to signify to you the views of Her Majesty's Government on this subject.

"I am desired to lose no time in remonstrating strongly against the forcible enlistment of British subjects, and to say that such subjects domiciled only by residence in the so-called Confederate States cannot be forcibly enlisted in the military service of those States by virtue of an *ex post facto* law, when no municipal law existed at the time of their domicile rendering them liable to such service.

"It may be competent for a State in which a domiciled foreigner may reside to pass such an *ex post facto* law, if at the same time an option is offered to foreigners affected by it to quit, after a reasonable period, the territory, if they object to serve in the armies of the State; but without this option such a law would violate the principles of international law, and even with such an option the comity heretofore observed between independent States would not be very scrupulously observed.

"The plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of the Federal Union should be suddenly and without warning compelled by the State to take an active part in hostilities against other States which, when he became domiciled, were members of one and the same Confederacy; which States, moreover, have threatened to treat as rebels, and not as prisoners of war, all who may fall into their hands.

"To these considerations must be added the fact that the persons who have been the victims of this forced enlistment are forbidden under severe penalties by the Queen's Proclamation, to take part in the civil war now raging in America, and that thus they are made not only to enter a military service contrary to their own wishes and in violation of the tacit compact under which they took up their original domicile, but also to disobey the order of their legitimate Sovereign.

"I am directed by Earl Russell to urge these several considerations upon you, and to add that Her Majesty's Government confidently hope and expect that no further occasion for remonstrance will arise on this point."

No reply was deemed necessary to this despatch (nor to a similar one from Consul Moore dated on the 14th November), notwithstanding the very questionable assumptions, both of law and fact, contained in it, because there seemed to be no substantial point at issue between the two Governments, and discussion could therefore serve no useful purpose. Earl Russell was not understood to insist on anything more than that British subjects resident within the Confederacy should be allowed a reasonable time to exercise the option of departing from the country if unwilling to be enrolled in its service; and, in point of fact, this option had never been refused them, and many had availed themselves of it. Nor was it believed that Her Majesty's Government expected a very favourable response to their appeal to this Government for the exercise of the comity between "independent" States supposed to be involved in this subject, whilst Great Britain was persistently refusing to recognize the independence which alone could justify the appeal.

Since the date of these two letters, numerous requests have been made by British Consular officials for the interposition of this Government in behalf of persons alleged to be British subjects wrongfully subjected to draft. Relief has always been afforded when warranted by the facts, but it soon became known that these gentlemen regarded their own certificates as conclusive evidence that the persons named in them were exempt from military service, and that these certificates were freely issued on the simple affidavit of the interested parties. Thus Consul Moore was deceived into claiming exemption for two men who were proven to be citizens of the Confederacy, and to have been landowners and voters for a series of years prior to the war.

Much inconvenience was occasioned before these abuses could be corrected, but they afterwards assumed a shape which forbade further tolerance. The correspondence of the Acting British Consuls at Savannah and Charleston, already referred to, asserts the existence of instructions from their Government, under which, instead of advising British subjects to resort to the courts of justice, always open for the redress of grievances, or to apply to this Government for protection against any harsh or unjust treatment by its subordinates, they deem it a duty to counsel our enlisted soldiers to judge for themselves of their right to exemption, to refuse obedience to Confederate laws and authority, and exhort them to open mutiny in face of the enemy.

even This unwarrantable assumption by foreign officials of jurisdiction within our territory, this offensive encroachment on the sovereignty of the Confederate States, has been repressed by the President's order for the immediate departure of all British Consular Agents from our country, as you will perceive by a perusal of the inclosed copy of the notice addressed to one of them, Acting Consul Fullarton.

But a few months have elapsed since the utmost indignation was expressed by the British Government against the United States' Minister at London for issuing a safe-conduct to be used on the high seas by a merchant-vessel; and the ground of this denunciation was his exercise of direct authority over subject matter within the exclusive territorial jurisdiction of the Queen. It is difficult, therefore, to conceive on what basis Her Majesty's Government have deemed themselves justified in the much graver encroachment on the sovereignty of these States, which has been attempted under instructions alleged to have emanated from them.

It is not my purpose here to discuss the nature and extent of the claims of the Confederacy on the allegiance of persons of foreign origin residing permanently within its limits (easy as would be the task of demonstrating the obligation of such residents, under the law of nations, to aid in the defence of their own homes and property against invasion), because, as already observed, the liberal construction of the law in their favour which has been sanctioned by the President, and the indulgence of the Government in permitting them for many months to exercise the option of avoiding service by departing from the country, deprive the discussion of any practical interest. I have been induced to place the whole subject fully in your possession, by reason of a statement made by Consul Fullarton to the Governor of Georgia, that in the event of the failure of his remonstrances to produce the exemption of all British subjects from service, he is instructed to state that "the Governments in Europe interested in this question will unite in making such representations as will secure to aliens this desired exemption."

The menace here implied would require no answer if it were not made professedly under instructions. It is scarcely necessary to say to you that the action of the President in repelling with decision any attempt by foreign officials to arrogate sovereign rights within our limits, or to interfere of their own authority with the execution of our laws, would not be affected in the slightest degree by representations from any source, however exalted. This is the only point on which the President has had occasion to act, and on this point there is no room for discussion.

The exercise of the *droit de renvoi* is too harsh, however, to be resorted to without justifiable cause, and it is proper that you should have it in your power to explain the grounds on which the President has been compelled to enforce it. Lest also the Government of His Imperial Majesty should be misled into the error of supposing that the rights of French citizens are in any manner involved in the action of the President which has been rendered necessary by the reprehensible conduct of the British Consular Agents, you are requested to take an early occasion for giving such explanation to M. Drouyn de Lhuys as will obviate all risk of misapprehension.

I am, &c.
(Signed) J. P. BENJAMIN.

Mr. Benjamin to Mr. Fullarton, October 8, 1863.

[See Inclosure 2 in No. 8.]

Mr. Benjamin to Mr. Mason.

Sir,

Department of State, Richmond, June 11, 1863.

SINCE my No. 24, of 6th instant, further information has reached the Department, illustrating most forcibly the necessity for the action taken by the President on the subject of Her Britannic Majesty's Consuls resident within the Confederacy, as explained in that despatch.

On the 18th May Mr. Cridland, who had occasionally acted as Consul in Richmond during temporary absence of Consul Moore, sought an interview at the Department, and in being admitted, called my attention to an article in the Richmond "Whig" of that date, which announced that Mr. Cridland was about to depart for Mobile with the commission of Consul, and that he was accredited to Mr. Lincoln, not to this Government. Mr. Cridland assured me that the statement was erroneous; that he was going to Mobile as a private individual, unofficially, to look after certain interests of the British Government that had been left unprotected by the withdrawal of Consul Magee. He further stated that as he was going there unofficially he had not conceived that there was any impropriety in doing so without communicating his intention to the Department, and hoped that such was my own view of the matter. I informed him that all neutral residents were at liberty to travel within the Confederacy and to transact their business without

other restrictions than such as the military authorities found it necessary to impose for the public safety, and that this Department saw no reason to interpose any objection to his going to Mobile to transact business unofficially. He then said that he had called at the office of the "Whig" to make a similar explanation to the editor of that paper, with a view to the correction of the erroneous impression created by its article, and accordingly on the next day an article appeared in that journal announcing that it had received the assurance from Mr. Cridland that he was going to Mobile "to look after British interests in that quarter in an unofficial way," and that he was "without commission from the Queen or exequatur from Washington."

I was, therefore, quite surprised at receiving from the Secretary of the Navy official communication of a telegram received by him from Admiral Buchanan, informing the Secretary that Mr. Cridland had been officially introduced to him by the French Consul as Acting English Consul at Mobile, and had shown the Admiral "an official document signed by Lord Lyons, appointing him Acting English Consul at Mobile." I append copies of this telegram, and of the two articles above referred to, extracted from the Richmond "Whig."

These, however, are not the only exceptionable features which mark this affair. Other circumstances, to which your attention is invited, have been brought to the notice of the Department by official communications from the Governor of Alabama.

On the 11th November last the Bank of Mobile, as agent for the State of Alabama, addressed a communication to Consul Magee, at Mobile, informing him that that State would owe, during the ensuing year, to British subjects, interest coupons on the State bonds to the amount of some 40,000*l.* sterling; that this interest was payable in London at the Union Bank and at the counting-house of the Messrs. Rothschild, and requesting to know whether the Bank would be allowed to place in the hands of the Consul in coin the sum necessary for transmission to England, at the expense of the State, for the purpose mentioned.

On the 14th November Consul Magee replied that he had sent to Her Britannic Majesty's Consul at New Orleans to ask if Her Majesty's steam-ship "Rinaldo" could not be sent to Mobile to receive the specie and take it to Havana, to be forwarded thence by the Consul-General of Great Britain to London.

The specie was not conveyed by the "Rinaldo," but by Her Majesty's ship "Vesuvius," and was accompanied by a certificate of the President of the Bank stating that the remittance of the "thirty-one kegs of specie, containing each 5,000 dollars, together 155,000 dollars, . . . is for the purpose of paying dues to British subjects from the State of Alabama, and is the property and belongs to the subjects of Her Britannic Majesty."

The shipment was accompanied by a letter addressed by the Bank as agent of the State of Alabama, to W. W. Scrimgeour, Esq., Manager of the Union Bank of London, directing its appropriation to the payment of the interest due to British and other foreign holders of the State bonds, with a statement of the dates at which the several instalments of the interest would become due, and of the places in London where they were to be paid.

So little doubt seems to have been entertained of the propriety of this transaction by all that were engaged in it, that the Commander of the "Vesuvius" informed the Commander of the United States' blockading squadron that the British Consul had money to send by him, and no objection nor protest was made. Among the papers annexed you will find the account given by Commodore Hitchcock himself of his conversation with the Commander of the "Vesuvius," written after the dismissal of Consul Magee, and therefore at a period when the Commodore could certainly have no motive for giving a colouring to his narrative, adverse to what was then known to be the view of his Government on the subject.

Under these circumstances, the "Vesuvius" received and conveyed the specie which has since been received in England, and, as stated in the public journals, paid in whole or in part to British subjects, thus establishing the *bona fides* of the conduct of all the parties to the transaction.

It now appears that no sooner was the intention of making this remittance communicated to Her Britannic Majesty's Minister at Washington than he took active measures to prevent it, by sending despatches to Mobile forbidding the shipment. They, however, failed to arrive before the departure of the "Vesuvius" with the specie, whereupon Consul Magee was dismissed from office for receiving and forwarding it; and the vacancy thus created in the office of British Consul at Mobile was filled by Lord Lyons by the issue of a commission to Mr. Cridland, and his departure for Mobile under the circumstances already explained.

These facts are of a character so grave as to have attracted the earnest attention of the President, and it is my duty to apprise you of the conclusions at which he has arrived, in order that you may lose no time in laying them before Her Majesty's Government, in the hope that a renewed examination of the subject, and a knowledge of the serious complications which the present anomalous relations between the two Governments may involve, will induce the British Cabinet to review its whole policy connected with those relations, and to place them on the sole footing consistent with accomplished facts, that are too notorious and too firmly established to be much longer ignored.

By the principles of the modern public code debts due by a State are not subject to the operation of the laws of war, and are considered so sacred as to be beyond the reach of confiscation. An attempt at such confiscation would be reprobated by mankind. The United States alone in modern times have courted such reprobation, and just detestation has been universally expressed of their confiscation laws passed during the pending war. The Government of Great Britain, on the contrary, has at all times manifested its abhorrence of such breaches of public faith, and in the Crimean war gave to the world a memorable example of its own high regard for public honour by paying over to its enemy money which it well knew would be immediately employed in waging hostilities against itself. The States of this Confederacy are emulous of examples of honour, and they accordingly refrained on the breaking out of hostilities from even the temporary sequestration of the dividends of their public debt due to their enemies. It was not until they had received notice of the confiscation law passed by the United States on the 6th August, 1861, that they consented to the temporary sequestration of the property of their enemies, and even then the sequestration was declared to be for the sole purpose of securing a fund to indemnify the sufferers under the confiscation law of the United States.

The following clause of our law, exempting public debts from its operation, is extracted as a proof of the sacred regard for public faith manifested by these States under strong temptation to retaliate, and under all the exasperation of the savage warfare then actually waged against them: "Provided further, that the provisions of this Act shall not extend to the stocks or public securities of the Confederate Government, or any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government or any of the States to such alien enemy." (Sequestration Law of Confederate States, passed 30th August, 1861.)

Such being the obligations imposed on States in regard to the payment of public debts towards even their enemies, no deeper reproach can stain their name than the refusal to do justice to neutral creditors. The observance of public plighted faith concerns mankind at large; in it all nations have a common interest; and the belligerent who perverts the weapons of legitimate warfare into an instrumentality for forcing his enemy to dishonour his obligations and incur the reproach of being faithless to his engagements wages a piratical and not an honourable warfare, and becomes *hostis generis humani*. Public honour is held sacred by international law against the attack of the most malevolent foe, and as susceptible of loss only by the recreancy of its possessor.

What possible lawful interest could the United States have in preventing the remittance of the specie due to the creditors of the State of Alabama? Blockades are allowed by the law of nations as a means of enforcing the submission of an enemy by the destruction of his commerce, the exhaustion of his resources and consequent forced abandonment of the struggle. The remittance of the specie in the present case, far from retarding these legitimate objects, tended on the contrary to promote them by the diversion of the money from application to military purposes. The United States could not have desired that the specie should remain within the Confederacy save with one of two motives:—first, to dishonour the State of Alabama by giving colour to the reproach that it was regardless of public faith, and on this comment has already been made; or secondly, in the hope that by the fortunes of war the money would come within the reach of spoliation under its confiscation law. It is scarcely necessary to observe that the desire to enrich itself by plunder at the expense of neutral creditors is as little consonant with respect for public law and the rights of neutrals as the purpose forcibly to prevent the State of Alabama from redeeming its plighted faith.

Whatever may be the value to which these views may be justly entitled, it is certain that there are but two aspects in which the State of Alabama can be regarded by Her Majesty's Government. Alabama is either one of the States of the former Union engaged in armed rebellion against the legitimate authority of the United States, or is an independent State and a member of this Confederacy engaged in lawful war against the United States. An examination of the effect of either of these relations upon the facts connected with the dismissal of Consul Magee and the appointment of Mr. Cridland

will now be presented in vindication of the action which the President deems it his duty to take on this subject.

1. If the British Government think proper to assume (although the contrary is deemed by this Government to be fully established by convincing reason and victorious arms) that the State of Alabama is still one of the United States, then the Government of the United States is bound towards Great Britain, as well as to all other neutral nations, to render all legitimate aid in the collection of their just claims against that State. Although by the Constitution of the United States its Government may be without power to enforce the payment of a debt due to foreign subjects or Powers by an unwilling State, none can doubt its duty to interpose no obstruction to the payment of such debt; and no more legitimate ground of complaint could be afforded to Great Britain against the Government of the United States than an opposition made by that Government to the payment of a just debt due by Alabama to the subjects of Great Britain. In this aspect of the case, therefore, the British officials of Mobile were doing a duty which ought to have been equally acceptable both to the United States and Great Britain when they facilitated the transmission of funds by that State for that purpose to England, where the debt was made payable, and merited applause rather than a manifestation of displeasure.

2. If, on the contrary, the State of Alabama be regarded (as in right and fact she really is) as an independent State engaged in war against the United States, as a foreign enemy, then the President cannot refrain from observing that the action of Her Britannic Majesty's Minister at Washington savoured on this occasion rather of unfriendly co-operation with an enemy than of just observance of neutral obligations. For in this view of the case, a Minister accredited to the Government of our enemies has not only assumed the exercise of authority within this Confederacy, without the knowledge or consent of its Government, but has done so under circumstances that rather aggravate than palliate the offence of disregarding its sovereign rights. His action further conveys the implication that this Confederacy is subordinate to the United States, and that his credentials, addressed to the Government at Washington, justify his ignoring the existence of this Government, and his regarding these States as an appendage of the country to which he is accredited. Nor will Her Majesty's Government fail to perceive that, in no sense can it be considered consonant with the rights of this Government, or with neutral obligations, that a public Minister should be maintained near the Cabinet of our enemies, charged both with the duty of entertaining amicable relations with them, and with the power of controlling the conduct of British officials resident with us.

Nor will the application of the foregoing remarks be at all impaired if Her Majesty's Government, declining to determine the true relation of the State of Alabama to the United States, choose to consider that question as still in abeyance, and to regard that State as simply a belligerent whose ulterior *status* must await the event of the war. In this hypothesis, the objection to delegating authority over British officials residing with us, to a Minister charged with the duty of rendering himself acceptable to our enemies, is still graver than would exist in the case of hostile nations equally recognized as independent by a neutral Power. For in the latter case the parties would have equal ability to vindicate their rights through the usual channels of official intercourse, whereas in the former the belligerent which enjoys exclusively this advantage is armed by the neutral with additional power to inflict injury on his enemy.

The President has, in the facts already recited, seen renewed reasons for adhering to his determination, mentioned in my preceding despatch, of prohibiting any direct communication between Consuls or Consular Agents residing within the Confederacy, and the functionaries of their Governments residing amongst our enemies. He further indulges the hope (which Her Majesty's Government cannot but regard as reasonable, and which he is, therefore, confident will be justified by its action), that Her Majesty's Government will choose some other mode of transmitting its orders and exercising its authority over its Agents within the Confederacy, than by delegating to functionaries who reside among our enemies the power to give orders or instructions to those who reside among us.

Finally, and in order to prevent any further misunderstanding in Mr. Cridland's case, that gentleman has been informed that he cannot be permitted to exercise Consular functions at Mobile, and it has been intimated to him that his choice of some other State than Alabama for his residence would be agreeable to this Government. This intimation has been given in order to avoid any difficulty which might result from the doubtful position of Mr. Cridland, who is looked on here as a private individual, and who in Alabama represents himself as "Acting English Consul."

The President is confident that Her Majesty's Government will render full justice to

the motives by which these measures are prompted, and will perceive in them a manifestation of the earnest desire entertained by him to prevent the possibility of any unfortunate complications having a tendency to impair the amity which it is equally the interest and the desire of this Government to cherish with that of Great Britain.

The President wishes a copy of this despatch to be placed by you in the hands of Earl Russell.

I am, &c.
(Signed) J. P. BENJAMIN.

Earl Russell to Mr. Mason, August 19, 1863.

[See "North America, No. 14 (1864)," p. 31.]

Mr. Mason to Earl Russell, September 4, 1863.

[See "North America, No. 14 (1864)," p. 31.]

Inclosure 2 in No. 9.

General Orders (No. 30.)

*War Department, Adjutant and Inspector-General's Office,
Richmond, April 28, 1862.*

I. The following Acts having passed both Houses of Congress, were duly approved by the President, and are now published for the information of the Army:—

An Act to Organize Bands of Partisan Rangers.

Section 1. The Congress of the Confederate States of America do enact that the President be and he is hereby authorized to commission such officers as he may deem proper, with authority to form bands of Partizan Rangers, in companies, battalions, or regiments, either as infantry or cavalry, the companies, battalions, or regiments to be composed each of such numbers as the President may approve.

Sect. 2. Be it further enacted, that such Partizan Rangers, after being regularly received into the service, shall be entitled to the same pay, rations, and quarters during their term of service, and be subject to the same regulations, as other soldiers.

Sect. 3. Be it further enacted, that for any arms and munitions of war captured from the enemy by any body of Partizan Rangers, and delivered to any Quartermaster at such place or places as may be designated by a Commanding General, the rangers shall be paid their full value, in such manner as the Secretary of War may prescribe. [Approved April 21, 1862.]

An Act to further Provide for the Public Defence.

In view of the exigencies of the country, and the absolute necessity of keeping in the service our gallant army, and of placing in the field a large additional force to meet the advancing columns of the enemy now invading our soil: Therefore,

Section 1. The Congress of the Confederate States of America do enact, that the President be and he is hereby authorized to call out and place in the military service of the Confederate States, for three years, unless the war shall have been sooner ended, all white men who are residents of the Confederate States, between the ages of 18 and 35 years at the time the call or calls may be made, who are legally exempted from military service. All of the persons aforesaid who are now in the armies of the Confederacy, and whose term of service will expire before the end of the war, shall be continued in the service for three years from the date of their original enlistment, unless the war shall have been sooner ended: provided, however, that all such companies, squadrons, battalions, and regiments, whose term of original enlistment was for twelve months, shall have the right, within forty days, on a day to be fixed by the commander of the brigade, to reorganize said companies, battalions, and regiments, by electing all their officers which they had a right heretofore to elect, who shall be commissioned by the President: provided, further, that furloughs not exceeding sixty days, with transportation home and back, shall be granted to all those retained in the service by the provisions of this Act,

beyond the period of their original enlistment, and who have not heretofore received furloughs under the provisions of an Act entitled "An Act providing for the Granting of Bounty and Furloughs to Privates and Non-commissioned Officers in the Provisional Army," approved 11th December, 1861; said furloughs to be granted at such times and in such numbers as the Secretary of War may deem most compatible with the public interest: and provided further that, in lieu of a furlough, the commutation value in money of the transportation herein above granted, shall be paid to each private, musician, or non-commissioned officer who may elect to receive it, at such time as the furlough would otherwise be granted: provided further, that all persons under the age of 18 years, or over the age of 35 years, who are now enrolled in the military service of the Confederate States, in the regiments, squadrons, battalions, and companies hereafter to be reorganized, shall be required to remain in their respective companies, squadrons, battalions, and regiments for ninety days, unless their places can be sooner supplied by other recruits not now in the service, who are between the ages of 18 and 35 years: and all laws and parts of laws providing for the re-enlistment of volunteers and the organization thereof into companies, squadrons, battalions, or regiments, shall be and the same are hereby repealed.

Sect. 2. Be it further enacted, that such companies, squadrons, battalions or regiments organized, or in process of organization by authority from the Secretary of War, as may be within thirty days from the passage of this Act, so far completed as to have the whole number of men requisite for organization actually enrolled, not embracing in said organizations any persons now in service, shall be mustered into the service of the Confederate States as part of the land forces of the same: to be received in that arm of the service in which they are authorized to organize; and shall elect their company, battalion, and regimental officers.

Sect. 3. Be it further enacted, that for the enrolment of all persons comprehended within the provisions of this Act, who are not already in service in the armies of the Confederate States, it shall be lawful for the President, with the consent of the Governors of the respective States, to employ State officers; and on failure to obtain such consent, he shall employ Confederate officers, charged with the duty of making such enrolment in accordance with rules and regulations to be prescribed by him.

Sect. 4. Be it further enacted, that persons enrolled under the provisions of the preceding section shall be assigned by the Secretary of War to the different companies now in service, until each company is filled to its maximum number, and the persons so enrolled shall be assigned to companies from the States from which they respectively come.

Sect. 5. Be it further enacted, that all seamen and ordinary seamen in the land forces of the Confederate States, enrolled under the provisions of this Act, may, on application of the Secretary of the Navy, be transferred from the land forces to the naval service.

Sect. 6. Be it further enacted, that in all cases where a State may not have in the army a number of regiments, battalions, squadrons or companies sufficient to absorb the number of persons subject to military service under this Act, belonging to such State, then the residue or excess thereof shall be kept as a reserve, under such regulations as may be established by the Secretary of War, and that at stated periods of not greater than three months, details, determined by lot, shall be made from said reserve, so that each company shall, as nearly as practicable, be kept full: provided, that the persons held in reserve may remain at home until called into service by the President: provided also, that during their stay at home they shall not receive pay: provided further, that the persons comprehended in this Act, shall not be subject to the Rules and Articles of War until mustered into the actual service of the Confederate States; except that said persons when enrolled and liable to duty, if they shall wilfully refuse to obey said call, each of them shall be held to be a deserter, and punished as such, under said Articles: provided further, that whenever, in the opinion of the President, the exigencies of the public service may require it, he shall be authorized to call into actual service the entire reserve, or so much as may be necessary, not previously assigned to different companies in service under provision of section 4 of this Act. Said reserve shall be organized under such rules as the Secretary of War may adopt: provided, the company, battalion and regimental officers shall be elected by the troops composing the same: provided, the troops raised in any one State shall not be combined in regimental, battalion, squadron or company organization with troops raised in any other States.

Sect. 7. Be it further enacted, that all soldiers now serving in the army or mustered in the military service of the Confederate States, or enrolled in said service under the authorizations heretofore issued by the Secretary of War, and who are continued in the

service by virtue of this Act, who have not received the bounty of 50 dollars allowed by existing laws, shall be entitled to receive said bounty.

Sect. 8. Be it further enacted, that each man who may hereafter be mustered into the service, and who shall arm himself with a musket, shot-gun, rifle or carbine, accepted as an efficient weapon, shall be paid the value thereof, to be ascertained by the mustering officer, under such regulations as may be prescribed by the Secretary of War, if he is willing to sell the same; and if he is not, then he shall be entitled to receive 1 dollar a month for the use of said received and approved musket, rifle, shot-gun or carbine.

Sect. 9. Be it further enacted, that persons not liable for duty may be received as substitutes for those who are, under such regulations as may be prescribed by the Secretary of War.

Sect. 10. Be it further enacted, that all vacancies shall be filled by the President from the company, battalion, squadron or regiment in which such vacancies shall occur, by promotion according to seniority, except in cases of disability or other incompetency: provided, however, that the President may, when in his opinion it may be proper, fill such vacancy or vacancies by the promotion of any officer or officers, or private or privates from such company, battalion, squadron or regiment who shall have been distinguished in the service by exhibition of valour and skill, and that whenever a vacancy shall occur in the lowest grade of the commissioned officers of a company, said vacancy shall be filled by election: provided, that all appointments made by the President shall be by and with the advice and consent of the Senate,

Sect. 11. Be it further enacted, that the provisions of the first section of this Act relating to the election of officers, shall apply to those regiments, battalions, and squadrons which are composed of twelve-months and war companies combined upon the same organization, without regard to the manner in which the officers thereof were originally appointed.

Sect. 12. Be it further enacted, that each company of infantry shall consist of 125, rank and file; each company of field artillery of 150, rank and file; and each of cavalry, of 80, rank and file.

Sect. 13. Be it further enacted, that all persons subject to enrolment, who are not now in the service under the provisions of this Act, shall be permitted, previous to such enrolment, to volunteer in companies now in the service. [Approved April 16, 1862.]

II.—*Enrolment and Disposition of Recruits.*

1. An officer not below the rank of Major will be detailed for each State, to take charge of the enrolment, mustering, in, subsistence, transportation and disposition of the recruits raised under the above Act.

2. Application will be made immediately to the Governors of the several States, for permission to employ State officers for said enrolment; and in case such permission be not granted, officers of the army will be selected by the Department to perform that duty, under such regulations as may be prescribed. Where State officers are employed, the regulations of the respective States in regard to military enrolment will be observed as far as applicable.

3. The enrolled men in each State will be collected in camps of instruction, by the officers in command of the recruits, the said camps to be selected with reference to health, and the facilities for obtaining subsistence and transportation. The number of these camps shall not exceed two in each State, without authority from the Department; and to each will be allowed a Quartermaster and a Commissary.

4. The commandant of the camps of instruction in the several States will call upon the Generals commanding the military departments in which their camps may be situated, for competent drill officers to instruct the recruits, and will prepare them for the field as rapidly as possible. They will cause them to be promptly vaccinated; and in ordering them to the field, will, as far as practicable, prefer those who have passed through the usual camp diseases. They will establish hospitals in connection with their camps, and make requisition for such medical attendance and stores as may be required.

5. The commandants of regiments, battalions, squadrons and unattached companies in service on the 16th instant, will send copies of their muster rolls to the commandant of the proper camp of instruction in their respective States, with officers to take charge of such recruits as may be furnished to said corps. The said commandants will apportion the recruits among such corps, in proportion to the deficiency of each, except when otherwise specially directed by the Department, allotting as far as practicable to each such

corps the men from the regions of country in which it has been raised. They will from time to time send off such bodies of recruits as are ready for the field, and will report on the first Monday of every month to the Department, the number of recruits in camp, their condition, the number sent off during the month, and the regiments and corps to which they were sent.

6. The Commandants of regiments and corps will distribute the recruits among their several companies; and in such as have not the number of companies allowed by law to a regiment, the said Commandants may organize the required number of new companies, after first filling up the existing companies to the minimum numbers required by law, that is to say, for each company of Infantry, 64 privates; of Cavalry, 60 privates; of Artillery, 70 privates.

7. The recruits will be apportioned among the several arms of service, according to their respective wants, consulting as far as practicable the preference of the men. Where a greater number offer for a particular arm than can be assigned to it, the distribution will be determined by lot; but recruits for the Cavalry will only be taken from those who furnish their own horses.

III.—*Volunteers for Existing Corps.*

8. Persons liable to military service under the above Act, not in service on the 16th of April, and wishing to volunteer in any particular company of the Confederate service on the 16th day of April, may report themselves prior to their enrolment, at a camp of instruction within their respective States, where they will be enrolled, prepared for the field, and sent to the said company, until the same shall be filled up.

9. Recruiting officers may be detailed, with the permission of the Generals commanding military Departments, by the Commandants of regiments and corps, and sent to their respective States for the purpose of receiving for such regiments and corps, in conformity with recruiting regulations heretofore adopted (General Orders, No. 6), all volunteers desiring to join them. Such volunteers may be assembled at the camps of instruction in their respective States, prepared for the field, and sent to their respective regiments and corps, until the same shall be filled up; or, if ready for the field, may be ordered directly to their corps by the officers so recruiting them.

IV.—*Volunteer Corps heretofore authorized.*

10. Persons liable to military service under this Act, and not in service on the 16th day of April, may, until the 17th day of May next, volunteer in corps heretofore authorized to be raised by the Secretary of War, or by the Executive of any State, as part of the quota thereof, in pursuance of a call made upon such State by the President. Persons authorized to raise such corps, who may not on that day have the necessary number of men enrolled and mustered into service, according to the terms of their authority, will proceed with their men to a camp of instruction in their respective States, and will deliver their muster-rolls to the Commandant thereof.

11. The Commandants of such corps as are completed on or before the 17th day of May, and not otherwise ordered, will report to the Commandants of the recruits of their respective States, and with their corps will be placed by him in a camp of instruction, and reported immediately to the Department. Such corps will be under the command of the Commandants of recruits in their respective States, and will be prepared for the field in like manner with the recruits, until removed from the camp. They will only be moved under orders from the Department, from the Commanding General of the army, or in urgent cases from the Commanding General of the Military Department in which the camps may be situated; and in such cases, report will immediately be made to the Department by the officer in command of the camp.

V.—*Additional Corps. Guerilla Service.*

12. Under the prohibition of this Act against the organization of new corps, no further authority for that purpose can be given, except that specially provided for in the Act of Congress, entitled "An Act to organize bands of Partizan Rangers." For this latter purpose, applications must be made through the Commanding Generals of the Military Departments in which the said corps are to be employed.

VI.—*Reorganization of Twelve-Months Corps.*

13. All regiments, battalions, squadrons, and companies of twelve-months volunteers will reorganize within forty days from the 16th of April, by electing all their officers which they had a right heretofore to elect, and on such days as the Brigade Commander

may prescribe; and the said Brigade Commanders are hereby ordered to fix and announce the day for such reorganization as soon as practicable. No person who is to be discharged under the provisions of the Act will take part in such election.

14. The form of holding and certifying the elections will be in conformity with the laws of the State from which the men, or the major part thereof, may come; and when the election of field officers is to be made by company officers, the latter will be first elected. All certificates of election will be returned to the Adjutant-General's office, and the officers will be commissioned by the President. They will, however, on receiving a copy of the certificate of election, immediately enter upon duty. Officers not re-elected will be relieved from duty, and the Brigade Commander will return their names to the Department.

VII.—Corps raised for Local Defence.

15. Corps raised for local defence will retain their organization during the term of such enlistment, unless previously disbanded; but members of such corps may volunteer into corps for general service, as herein above provided.

VIII.—Discharges.

16. When any company now in service for twelve months shall, before the 16th day of July next, attain the maximum numbers prescribed by this Act, without including the men under 18 and over 35 years of age, all such men may be discharged, and such of them as remain in service on the said day will, upon their application, be then discharged, whether such maximum be attained or not.

IX.—Transfers.

17. The right to change company or corps in virtue of re-enlistment ceases to exist by the repeal of all laws in regard to re-enlistment; but transfers of individuals or of companies may be made, as heretofore, within the discretion of the Department, on applications approved by commanding officers.

X.—Substitutes.

18. When any person liable to military duty under this Act, but not yet mustered into service in any company, desires to furnish a substitute, he shall report himself with the substitute to the commandant of a Camp of Instruction; and if the substitute be lawfully exempt from military duty, and on examination by a Surgeon or Assistant-Surgeon be pronounced sound and in all respects fit for military service, he may be accepted and enrolled; and the person furnishing such substitute may be discharged by the Commandant of the Camp. But no substitute shall be entitled to transportation or other allowance at the expense of the Government until so accepted and enrolled.

XI.—Exemptions.

19. Persons claiming exemption from military duty under this Act shall be required by the enrolling officer to make oath that they are lawfully exempt, and shall be furnished by him with a certificate of such exemption.

By command of the Secretary of War,

(Signed) S. COOPER, *Adjutant and Inspector-General.*

No. 10.

Acting Consul Fullarton to Earl Russell.—(Received November 27.)

My Lord,

Savannah, October 17, 1863.

I HAVE the honour to inclose copies of my letters to Mr. Benjamin on behalf of British subjects forcibly enlisted, and the reply of that gentleman conveying to me the President's order to depart promptly from the Confederacy, and in the meantime to cease the exercise of any Consular functions within its limits.

In his Proclamation calling for volunteers for State defence, the Governor of Georgia informed the people that the force so raised was to be used solely for the purpose of repelling raids or incursions by the Federalists against their homes and property; that it was not contemplated to interrupt their ordinary avocations unless in case of such sudden emergency, and then only until the emergency was over, and that in no case would they be required to meet the regular army of the United States.

The pressing necessity for recruiting armies wasted by the ravages of war, the presence of a large Federal army upon the borders of the State, and information received

by myself, led me to suspect that just so soon as this force should be organized and transferred from State to Confederate control, Governor Brown's promises or pledges would not be fulfilled.

Events proved the correctness of my anticipations. From all the upper and middle portions of the State these troops were ordered to report at Atlanta, the head-quarters of General Bragg, for no other purpose than that of reinforcing the Confederate army under that officer; and I beg your Lordship to notice that Mr. Benjamin does not attempt to controvert the statement. Accordingly, when Governor Brown refused my application, I deemed it to be my duty, under the instructions embodied in your Lordship's despatch of the 11th October, 1862, and in those of Lord Lyons of the 12th November, 1861, and 14th March, 1862, to give British subjects the advice to which exception has been taken, and on which the action of President Davis is based.*

* *Circular addressed by Lord Lyons to Her Majesty's Consuls in Southern States.*

Sir,

Washington, November 12, 1861.

Her Majesty's Secretary of State for Foreign Affairs has under his consideration, and has referred to the proper Law Advisers of the Crown, a despatch dated the 31st of July last from Her Majesty's Consul at Charleston, applying for instructions with regard to the question of the liability of British subjects to perform military service in this country.

With reference to my previous instructions to you on this subject, I have to state to you that the question which has now practically arisen, under very peculiar circumstances, is one not admitting of a satisfactory solution by being left to the determination of the ordinary municipal laws and Courts of the several States, as might be the case under ordinary circumstances.

Whilst Her Majesty's Government might be well content to have British subjects voluntarily domiciled in a foreign country, liable to all the obligations incident to such foreign domicile, including, where imposed by the municipal law of such country, service in the militia or national guard, or local police, for the maintenance of internal peace and order, or even, to a limited extent, for the defence of the territory from foreign invasion, it is not reasonable to expect that Her Majesty's Government should in the present state of things in this country remain entirely passive under the treatment to which it appears British subjects are actually exposed in some of the States; such, for instance, as being embodied and compelled to serve in regiments, perhaps nominally of militia, while they would be really exposed not only to the ordinary accidents and chances of war, but also to be treated as rebels and traitors in a civil war, involving many questions in which they, as aliens, cannot, simply by reason of their domicile, be supposed to take interest, as to which they may be incompetent to form an opinion, and in the determination of which they are precluded from freedom of choice and action. No State can justly frame laws to compel aliens resident within its territories to serve against their will in armies ranged against each other in a civil war, and *à fortiori*, in the absence of any such law, they cannot enforce the service.

I was, however, able to state on the 4th of July last, that in no case, either in the Northern or Southern States, had the discharge of a British subject, enlisted against his will, been to my knowledge refused or delayed, on proper representations being made by one of Her Majesty's Consuls or by myself; and Her Majesty's Government have therefore concluded that the desired exemption is practically conceded. Should this, however, not continue to be the case, Her Majesty's Government will consider whether it is not expedient to invite those foreign Governments which are interested in this question to unite with them in such representations as may be likely to secure to aliens the exemptions which would be now so highly desirable.

Her Majesty's Government assume that there is no hope of securing in practice, especially in South Carolina, any legal decision of a competent Court favourable to the exemption as a matter of right.

I am, &c.

(Signed) LYONS.

Lord Lyons to Consul Molyneux.

Sir,

Washington, March 14, 1862.

I have received your despatch of the 27th ultimo, and have learned from it with great regret that Her Majesty's subjects residing in the State of Georgia are in danger of being pressed into the military service of that State, or of the so-called Confederate Government.

The view of Her Majesty's Government respecting the compulsory enlistment of British subjects in military bodies to be employed in the existing civil war were communicated to you in my despatch of the 12th November last. In conformity with those views, I have to instruct you to use your utmost endeavours to prevent *bonâ fide* British subjects being pressed into the military service. I authorize you to remonstrate in case of need, not only with the authorities of the State of Georgia, but with the *de facto* Government at Richmond. At the same time, I am well aware that the lives and property of British subjects might be brought into serious and immediate danger in a time of excitement by any imprudent proceedings on your part; I therefore leave it to your discretion to decide upon the particular measures to be taken with a view to obtain the exemption of our fellow-subjects from compulsory enlistment.

I must beg you to bear in mind that it is the desire of Her Majesty's Government that no mention of Her Majesty's Legation at Washington be made in communications with the *de facto* authorities, whether of the individual States or of the general Government of the so-called Confederate States. You will in all such communications, whether they be verbal or written, carefully avoid mentioning any allusion to me or this Legation.

I forwarded to Earl Russell a copy of your despatch of the 27th ultimo, and I shall also send his Lordship a copy of this answer to it.

I am, &c.

(Signed) LYONS.

Circular addressed to Her Majesty's Consuls in the Confederate States of North America.

Sir,

Foreign Office, October 11, 1862.

Her Majesty's Government have had their attention called to the forcible enlistment of British subjects in the army of the so-called Confederate States.

From the inclosed General Order of General Cobb your Lordship will observe the purpose of the Government to require from these troops a service different from that which, by Governor Brown's Proclamation, they were led to expect.

I have, &c.
(Signed) A. FULLARTON.

Inclosure 1 in No. 10.

Acting Consul Fullarton to Mr. Benjamin.

Sir,

Savannah, October 1, 1863.

COMPLAINT having been made to me by J. C. Peters, a British subject residing in Columbus, Georgia, that he has been compelled to enter military service under Governor Brown's order for a draft to complete the number of 8,000 men required from this State for State defence, and having failed to secure his exemption from Governor Brown while the force was under his command, it becomes my duty to apply to you on his behalf now that I observe from Major-General Cobb's General Order No. 7, dated at Atalanta the 29th of September, that these troops have been turned over to the Confederate Government.

Whilst Her Majesty's Government might be well content to leave British subjects voluntarily domiciled in a foreign country liable to all the obligations incident to such foreign domicil, including, where imposed by the Municipal law of such country, service in the Militia or National Guard or local police, for the maintenance of internal peace and order, or, even to a limited extent, for the defence of the territory from foreign invasion, it is not reasonable to expect that Her Majesty's Government should, in the present state of things in this country, remain entirely passive under the treatment to which British subjects are exposed,—such, for instance, as being compelled to serve in regiments nominally of Militia, while they would be really exposed, not only to the ordinary accidents and chances of war, but also to be treated as rebels and traitors in a civil war involving many questions in which they as aliens cannot simply, by reason of this domicil, be supposed to take interest, as to which they may be incompetent to form an opinion, and in the determination of which they are precluded from freedom of choice and action. No State can justly frame laws to compel aliens resident within its territories to serve against their will in armies ranged against each other in civil war, and, *à fortiori*, in the absence of such laws they cannot enforce the service.

To these considerations must be added the fact that the persons who are the victims of this forced enlistment are forbidden, under severe penalties, by the Queen's Proclamation, to take any part in the civil war now raging in this country, and that thus they are made, not only to enter a military service contrary to their own wishes, and in violation

I have to instruct you to lose no time in remonstrating strongly against such a proceeding on the part of the authorities of those States.

British subjects domiciled only by residence in the so-called Confederate States cannot be forcibly enlisted in the military service of those States, by virtue of an *ex post facto* law, when no municipal law existed at the time of the establishment of their domicil, rendering them liable to such service.

It may be competent to a State in which a domiciled foreigner may reside to pass such an *ex post facto* law, if at the same time option is offered to foreigners affected by it to quit, after a reasonable period, the territory, if they object to serve in the armies of the State: but without this option such a law would violate the principles of international law; and even with such an option, the comity hitherto observed between independent States would not be very scrupulously observed.

The plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of a Federal union should be suddenly, and without warning, compelled by the State to take an active part in hostilities against other States which, when he became domiciled, were members of one and the same Confederacy; which States, moreover, have threatened to treat as rebels, and not as prisoners of war, all who may fall into their hands.

To these considerations must be added the fact that the persons who have been the victims of this forced enlistment are forbidden under severe penalties by the Queen's Proclamation to take any part in the civil war now raging in America, and that thus they are made, not only to enter a military service contrary to their own wishes, and in violation of the tacit compact under which they took up their original domicil, but also to disobey the order of their legitimate Sovereign.

You will urge these several considerations on the *de facto* authorities of the Confederate States, adding that Her Majesty's Government confidently hope and expect that no further occasion for remonstrance will arise on this point.

I am, &c.
(Signed) RUSSELL.
G 2

of the tacit compact under which they took up their original domicile, but also to disobey the order of their legitimate Sovereign.

I have always understood that the men composing this force for State defence were only expected to defend their homes from sudden incursions or raids from the Federal forces, and that it was not contemplated to take them from their homes, or to interrupt their ordinary avocations, unless in case of such sudden emergency. But it appears that they are ordered into camp for the purpose of being incorporated with and made part and parcel of General Bragg's army now confronting the Federal forces in the upper part of this State. You must admit that service for such a purpose is simply conscription under another form.

Under my instructions I have felt it to be my duty to advise British subjects that, whilst they ought to acquiesce in the service required so long as it is restricted to the maintenance of internal peace and order, whenever they shall be brought into actual conflict with the forces of the United States, whether under the State or Confederate Government, the service so required is such as they cannot be expected to perform.

I respectfully submit that Peters, as a *bonâ fide* British subject, is entitled to exemption from service, and beg that you will release him from a position which forces him to violate that neutrality insisted on in Her Majesty's Proclamation.

I may mention that Peters was a member of a company of foreigners tendered to and accepted by the Mayor of Columbus for police duty, but, when drafted, was assigned to a company from that city commanded by Captain Brooks.

I am, &c.
(Signed) A. FULLARTON.

Inclosure 2 in No. 10.

Acting Consul Fullarton to Mr. Benjamin.

Sir,

Savannah, October 3, 1863.

WITH reference to my letter of the 1st instant, I have the honour to request you to consider the representations therein on behalf of J. C. Peters, as made also on behalf of the following British subjects, namely:—Alexander Pratt, Anthony Cadman, Michael Riley, and Henry Stephenson, of Columbus, and William Gray, of La Grange, Georgia.

Yours, &c.
(Signed) A. FULLARTON.

Inclosure 3 in No. 10.

Mr. Benjamin to Acting Consul Fullarton, October 8, 1863.

[See Inclosure 2 in No. 8.]

Inclosure 4 in No. 10.

General Orders (No. 10).

*Head Quarters, Georgia State Guard,
Atalanta, October 10, 1863.*

1. THE State troops under the command of Major-General Howell Cobb will hereafter be known and designated as the "Georgia State Guard."

2. The troops not yet called out are urged to complete their regimental organizations as required by General Orders No. 7, current series, from these head-quarters. As soon as a regiment is organized the fact will be reported to these head-quarters. The field-officers of regiments organized prior to the 1st November next will be elected by the men; after that date, the companies not attached to regiments or battalions will be organized into regiments by order, and the field officers appointed by the President of the Confederate States. In cases of organized battalions, companies will be added to complete the regiment, and the additional field officers appointed by the President.

3. The commanding General desires all regiments, as soon as formed, to report to these head-quarters whether or not they are willing, without reference to territorial limits, to defend their State wherever assailed or threatened. With the enemy in overwhelming

numbers upon our borders, and just driven by our gallant army from the soil of our own State, he feels that the appeal will not be made in vain to Georgians to come forward and follow the patriotic example of their brethren now in the field, who have declared their willingness to waive all territorial claims, and go wherever the interest and safety of the State require them to go. He confidently trusts that none will be found willing to swell the ranks of the "solitary exception" who failed to respond to the call made upon those now in the field.

4. Conscript officers claiming persons in the ranks of the Georgia State Guard, as liable to conscription, will present their claims to the commanding officer of the regiment, battalion, or company when unattached, whose duty it is to examine and decide the question of such liability, which can be reviewed, if necessary, at these head-quarters, and finally by the Department at Richmond. Conscript officers can reach the men in the ranks only through their commanding officer. Commissioned officers in service are not subject to conscription.

By command of Major-General Howell Cobb,
(Signed) R. J. HALLETT, *Acting Assistant Adjutant-General.*

No. 11.

Lord Lyons to Earl Russell.—(Received December 9.)

My Lord,

Washington, November 20, 1863.

I RECEIVED on the 15th instant from Mr. Acting Consul Walker a copy of his despatch to your Lordship of the 19th ultimo, inclosing papers which had been published in the Southern newspapers, with reference to the expulsion of the British Consular Agents from the so-called Confederate States.

Among these papers I found a despatch from Mr. Benjamin to Mr. Mason, dated the 11th of June last, which I read for the first time, and a despatch from Mr. Benjamin to Mr. Slidell, dated the 8th ultimo, of which I had before seen only the first and last paragraphs.

Mr. Benjamin objects very strongly to the British Consuls in the Southern States being under the orders of Her Majesty's Legation at Washington. This objection does not appear to me to be by any means unreasonable. I have indeed, as your Lordship is aware, long been of opinion that the connection between this Legation and the Consulates in the South was embarrassing and inconvenient, with regard both to the Government of the United States and to the *de facto* Government of the Confederate States.

With respect to the particulars of Mr. Cridland's appointment as Acting Consul at Mobile, Mr. Benjamin's information is not quite accurate. Mr. Cridland was appointed Acting Consul at Mobile in pursuance of the instruction contained in your Lordship's despatch to me of the 17th February last.* He never held any commission or letter of appointment from me. I communicated your Lordship's instruction to Mr. Moore, Her Majesty's Consul at Richmond; and I desired him to address a letter to Mr. Cridland, stating that Her Majesty's Government had been pleased to direct that he should temporarily take charge of Her Majesty's Consulate at Mobile. I added a special caution to Mr. Moore not to make any mention in the letter either of me or of this

* *Earl Russell to Lord Lyons.*

My Lord,

Foreign Office, February 17, 1863.

I have to state to your Lordship that if you have any difficulty in finding on the spot a suitable person to take over the Consulate at Mobile from Mr. Magee, I should think no better arrangement could be made than to desire Mr. Cridland to undertake the duty.

Your Lordship will be best able to judge whether the presence of a Consular Agent at Mobile is constantly required for the protection of British subjects, or whether it would be sufficient for Mr. Cridland only to visit Mobile occasionally.

In either case, however, it would be necessary to provide Mr. Consul Moore with a temporary substitute for Mr. Cridland; and further bearing in mind Mr. Moore's representations as to the impossibility of carrying on the business at Richmond without further assistance, I have to instruct your Lordship to authorize Mr. Moore to engage such temporary assistance as he may satisfy you is really necessary, and as soon as I hear from you what expense will be involved in so doing I will make a corresponding augmentation to the special allowance now granted to Mr. Moore.

If Mr. Cridland should be obliged to reside permanently at Mobile he would be permitted to draw the same pay and allowances as have been granted to Mr. Magee; otherwise your Lordship will award to him such an allowance as may appear reasonable to cover his expenditure and to serve as remuneration for the performance of his duties.

I am, &c.
(Signed) RUSSELL

Legation. In point of form, therefore, there was, I presume, nothing to object to in the letter of appointment held by Mr. Cridland. But when Mr. Magee was dismissed, your Lordship instructed me to make provision for the appointment of a qualified person to carry on the Consular duties at Mobile, and in execution of this instruction I had requested M. Portz, the French Consul, to take charge temporarily of the British Consulate. It was therefore necessary, when Mr. Cridland was appointed, that I should write to ask M. Portz to transfer the Consulate to him. My letter to M. Portz was seen by some of the Confederate authorities at Mobile. It was specially addressed to M. Portz, and it expressly stated that it was by Her Majesty's Government that Mr. Cridland was directed to take charge of the Consulate at Mobile; but it appears to have been represented to Mr. Benjamin as a letter of appointment from me to Mr. Cridland. But however this may be, it does not seem to me to be unnatural or unreasonable that the Confederate authorities should view with displeasure even the merely formal intervention of this Legation in the appointment of Consular officers in the Confederate territory.

Mr. Benjamin's complaint concerning the dismissal of Mr. Magee by Her Majesty's Government is less reasonable. Mr. Magee was dismissed for assisting persons in the Confederate States to export specie from a blockaded port, and this was an act manifestly inconsistent with his duty as the officer of a neutral Sovereign, and a flagrant violation of the Queen's Proclamation. It is not, however, surprising that my endeavours to prevent Mr. Magee's committing this breach of blockade should have increased the displeasure with which the Confederates viewed the connection between this Legation and the Southern Consulates. Mr. Benjamin's dissertation on the duty of paying debts may, indeed, be passed over, as entirely beside the question. I was of course as desirous as any one could be that money due to British subjects should be remitted to them; and I have ever been most anxious to diminish in every possible way, not inconsistent with positive duty, all the hardships inflicted on my countrymen by the blockade. But to export specie from Mobile was a manifest breach of the blockade of that port, and to send it through the blockading squadron in a British man-of-war was a direct violation of the understanding with the United States' Government in virtue of which Her Majesty's ships communicated with the blockaded ports. So long therefore as Her Majesty's Consuls in the South were under my orders, it was undoubtedly my duty to prevent their being concerned in any such proceeding. It so happened that the Confederate authorities were, at the time, particularly anxious to find the means of exporting specie, in order to pay for munitions of war procured in Europe; and it appeared afterwards that they had hoped that the British Government would allow Her Majesty's ships to be employed to carry through the blockading squadron specie sent in payment of purchases of this description made in Great Britain. It was natural therefore that my attempt to prevent the breach of blockade at Mobile, and the dismissal of Mr. Magee by Her Majesty's Government for being concerned in it, should be regarded with displeasure by the Confederates. It was of course equally my duty to hinder the British Agents under my orders from committing breaches of blockade, whatever might be the article to be exported, and whatever reasons the belligerent whose ports were blockaded might have for desiring the exportation of it. But it is not surprising that this affair should have increased the susceptibility of the Confederates with regard to the connexion between this Legation and the Southern Consulates.

I have, &c.
(Signed) LYONS.

No. 12.

Acting Consul Fullarton to Earl Russell.—(Received February 1, 1864.)

My Lord,

Savannah, October 23, 1863.

I HAVE the honour to inclose to your Lordship a copy of my reply to Mr. Benjamin's despatch to me of the 8th instant, conveying the President's order to depart promptly from the Confederacy, and in the meantime to cease the exercise of Consular functions.

Mr. Benjamin has thought proper to publish his despatch to me in the Richmond newspapers.

Having had committed to my charge the interests of several parties absent in Europe, which my departure would seriously injure, I have requested Mr. Benjamin to

rescind that portion of the order requiring me actually to withdraw from the Confederacy.

I have, &c.
(Signed) A. FULLARTON.

Inclosure in No. 12.

Acting Consul Fullarton to Mr. Benjamin.

Sir,

Savannah, October 22, 1863.

I HAVE the honour to acknowledge the receipt, on the 14th instant, of your despatch to me of the 8th, communicating to me the President's order that I should promptly depart from the Confederacy, and in the meantime cease to exercise any Consular functions within its limits.

Your despatch conveys to me the reasons which have induced this action. These reasons have no existence in fact, and I should content myself with a simple denial of the charges you make were it not that you found them upon language used by me which I should have supposed could not fairly be misconstrued; but as it has been so strangely misinterpreted, and such serious and I may say unheard of charges have been preferred by you against Her Majesty's Government and against all Her Majesty's Consuls in the Confederacy, it seems to be due to them at least that I should endeavour to disabuse your mind.

In the first place I will observe that your accusations are made against Her Majesty's Consular servants in the plural number. Mr. Cridland, of Mobile, has not exercised any of the functions of his office; therefore Mr. Walker, Her Majesty's Acting Consul in Charleston, and myself, are the only officers to whom your charges can refer. Mr. Walker will doubtless deal with the matter in his own way, and I propose to defend myself only.

That you may be under no mistake as to what my instructions in reference to the service of British subjects in the armies of the Confederacy or any of the Confederate States really are, I will here repeat them, viz.:—"That the plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful and commercial purposes in a State forming a part of a Federal Union should be suddenly and without warning compelled by the State to take an active part in hostilities against other States which, when he became domiciled, were members of one and the same Confederacy."

Therefore, both in contemplation of the organization of the militia of the State of Georgia, and in anticipation of a State draft from that organization for purposes inconsistent with that instruction, it was my duty to advise such of Her Majesty's subjects as might be enrolled for militia service and subjected to such draft, in the language you have first quoted; and unless you possess the information that all Her Majesty's subjects in the State of Georgia have enlisted in Confederate service, I am at a loss to understand how you can regard this as an assumption on my part of "the power of determining whether enlisted soldiers of the Confederacy are properly bound to its service."

The second quotation of my language is as easily explained. Militia service is peculiarly an organization for neighbourhood defence, and if a British subject, being a militia-man, is called from his neighbourhood, which is properly defined by the word home, or involuntarily drafted into service for which he is not liable, I have done no wrong in directing him to refuse the required service by rejecting the arms that may be thrust upon him; and it is this advice to British subjects, not enlisted, but willing to perform all that the laws of the State can justly require of them, that you have been pleased to magnify into advice "to soldiers of the Confederate armies to throw down their arms in the face of the enemy." It seems to me impossible to read the language you have quoted without perceiving that it has no application at all to the enlisted Confederate soldier, unless, as I said before, you assume that all British subjects have enlisted in Confederate service, and I should imagine it is not necessary for me to tell you that the fact of enlistment deprives the soldier of all protection, as of right, from the consequences of his enlistment.

Having thus shown how extravagant is the construction you have placed upon my language, I have only to deny the correctness of every conclusion you have drawn and every assertion you have made. I have not failed to forward to Her Majesty's Government a copy of your despatch, and I shall inform them of the publication and circulation you have thought proper to give to it.

I am, &c.
(Signed) A. FULLARTON.

NORTH AMERICA.

No. 13. (1864.)

Correspondence respecting the Removal of British
Consuls from the so-styled Confederate States of
America.

*Presented to the House of Lords by Command of
Her Majesty, in pursuance of their Address dated
April 5, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS